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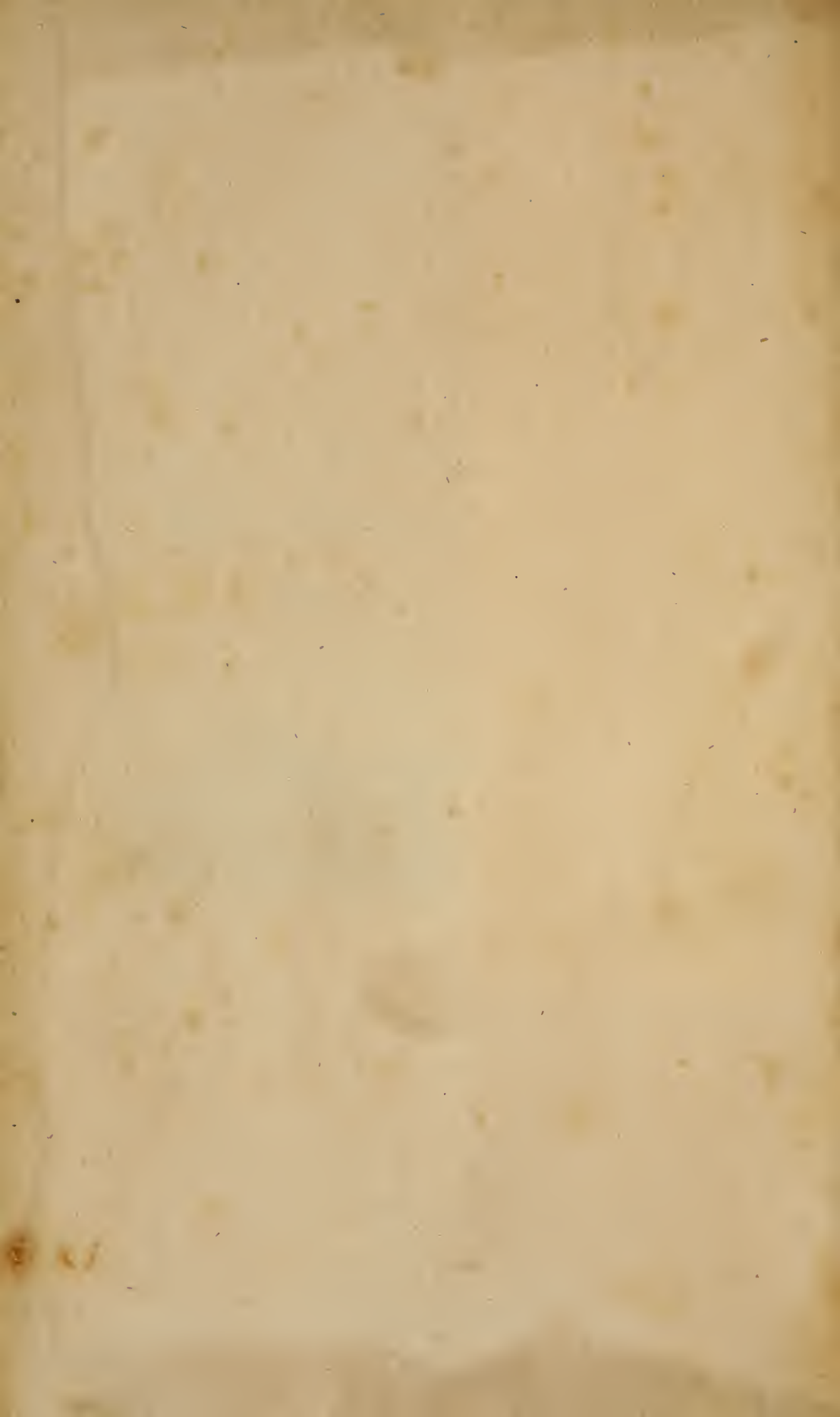
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John Adams.

THE HISTORY OF ENGLAND
FROM THE ACCESSION OF JAMES I
TO THE ELEVATION OF
THE HOUSE OF HANOVER.
BY CATHARINE MACAULAY.
EDIT. III. VOL. III.

LONDON PRINTED FOR
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Court of Star-chamber, and other arbitrary courts, abolished.—Bill to deprive bishops of their seats in parliament sent up to the Lords.—Bishops and judges impeached.—The Star-chamber verdict against the city of London reversed.—Concessions to the Scots.—Embassy and manifesto in favor of the Palatinate family.—Proceedings against the pope's nuncio, and other Papists.—Farther proceedings against delinquents on the army plot.—Acts passed.—King's journey to Scotland.

THE death of Strafford was one of those Anno 1641.
exemplary acts of justice, which has done
the most honor to the independent spirit
which at this time eminently graced the counsels
of the English senate. As it has afforded matter
of exultation to the lovers of Liberty, so it has
been lamented by the friends of despotism, as
the important incident which drew after it the
deprivation of the King's power and life. The

Anno 1641. whole party of royalists have been very free in their censures on Charles in this point, and have condemned the sacrifice he made to the demands of justice, and the united desires of the people, as a condescension extorted from his fears rather than his necessities. The opinion that the overthrow of monarchy was the immediate consequence of this circumstance, or that the King could have maintained an inflexibility in regard to the fate of Strafford, are grounded on the authority of Clarendon, without other foundation than the chimeras of this flimsy politician; who, notwithstanding that he relates the steady adherence of the Scotch army to the English parliament, and the incorruptible virtue of the English troops, who had been in vain solicited to assist the King in his endeavors to preserve his authority; who, notwithstanding he relates that the prudent foresight of the Commons had cut off all the means whereby Charles could have procured money, those nerves of power, without which it is impossible to exist; yet insinuates, that, to have defeated the popular party, nothing more would have been necessary on the King's part, but a stubborn inflexibility to the importunate entreaties of his people, and the playing over the old game of dissolving the parliament. Whoever accurately considers the situation of Charles at this period must acknowledge, that the only means whereby he could prolong to himself the shadow of power, or the preservation of life, was to yield to the torrent of the times, and give way to the instant demands of his people, who continued in a manner unanimous till the fate of Strafford was determined*.

* The King must have sunk under the torrent of popular rage, had he refused the giving satisfaction to his subjects on this

The parliament having executed justice on the great enemy to the public weal, and perpetuated their authority by the continuance-bill, proceeded with vigor to lop off the noxious branches of the regal authority. Two bills, no less important than abolishing the High-commission court*, the court of Star-chamber†, the council in the Marches of Wales, the council of York‡, and other arbitrary courts§, regulating the jurisdic-

Anno 1541.

Rushworth,
vol. IV.
p. 304.
Journals of
Commons,
vol. II.
p. 171.

this point. The sacrifice of Strafford preserved to him, for some time, his life and crown; and procured him afterwards a party strong enough to wage war against his people.

* The bill which abolished the High-commission took away all coercive power from every ecclesiastical person and court.

† The lord Andover was the member who made the motion for abolishing this court; and asserted, that it had ever been a great eclipse to the whole nobility; for none had been so frequently vexed there as noblemen. The statute which established this arbitrary court prohibited it to proceed against any delinquent, otherwise than if he were convicted of the same crime by due process of law. *Statutes at Large. Rushworth*, vol. IV. p. 204.

‡ The conference between the two houses concerning the abolishing the court at York was managed by Mr. Hyde: In the whole fifty-eight instructions by which this court was to act, there was scarce one of them, he said, which was not against or beside the law. He insinuated, that the King could not canton out a part of his kingdom to be tried by commission, though according to the rules of law; that these instructions allowed the commissioners to proceed according to their discretion—that is, that they should do what they pleased; only, that it might not be suspected that this discretion would be kinder than the law, special provision was made, that no fine, no punishment, should be less than was by law appointed, but as much greater as discretion should think fit; that this improvement had been found very pregnant in arbitrary courts; for if the law required good behavior, this discretion close imprisoned; if the law sat a criminal in the pillory, this discretion appointed him to leave his ears there. *Parl. Hist.* vol. IX p. 226, & seq.

§ The court of the Duchy of Lancaster, and the court of Exchequer of the County Palatine of Chester. *Statutes at Large*, ed. 1706, vol. II. p. 1108.

Anno 1641. tion of the council, and abridging its power, passed the house of Commons unanimously; and, after having met with a little interruption, were assented to by the Lords. These bills were presented to the King at the same time with a poll-bill *: he passed the latter, without taking notice of the former; but the Commons adjourning themselves with some warmth, and shewing other high symptoms of displeasure †, on their re-meeting to debate the point, they received a message from the King, that he was ready to comply with their demands.

Nelson,
vol. II.
p. 327.
Court of
Star-cham-
ber, and
other arbi-
trary courts,
abolished.

The interruption which the popular bills had met with from the Lords, was by the Commons very justly ascribed to the influence the bench of bishops gave the King in the upper house. That this impediment might no longer retard the reformation, a bill was sent up for depriving the bishops of their votes in parliament, on the rational pretence, that intermeddling with secular affairs was a great hindrance to their spiritual function. This was seconded with warmth by the popular peers, and opposed with equal vehemence by the bishops. Williams made a long speech on the occasion: he pleaded that part of

Bill to de-
prive bishops
of their seats
in parlia-
ment sent
up to the
Lords.

* The Lords thought themselves unequally taxed in this bill, and claimed a right to tax themselves. To this pretension the Commons did not yield. Sir Simon Dewes shewed, by the example of all times, that the Commons had exercised the privilege of assessing on every occasion where money was raised by the power of parliament.

The Commons were so jealous of a privilege with which they had effected such great things, that having sent up to the Lords a bill of tonnage and poundage, they desired it might be re-delivered, to be brought up and presented by their own speaker. *Parl. Hist.* vol. IX. p. 445.

† They voted, that all the bills should be passed together, or not at all. *Letter from General Ludlow to Dr. Hollingworth*, ed. 1692.

the

the coronation oath which is relative to the church; and said, "That the King's conscience was so upright, dainty, and scrupulous, that it ought not to be put upon swallowing such gudgeons as to fill itself with doubts and difficulties*." The other arguments he made use of were, the priestly government of Judea; the great power of churchmen in all Christian common-wealths from the age of Constantine, particularly in France and the Saxon heptarchy; and absurdly applied the pious admonitions of St. Paul to the Corinthians on their litigious spirit, as an example to shew, that it was lawful for churchmen to intermeddle in secular affairs: he endeavored to prove, that legislative power was the birthright of the clergy; that bishops held their seats by virtue of their ecclesiastical capacity, not by the baronies annexed to their sees; and that they had hitherto made the third estate in parliament†. In the course of his speech he remarked a contradiction in the motive for dis-

Anno 1641.
Parl. Hist.
vol. IX.
p. 294
& seq.

* It would have been a happy thing for Charles and his family, if his "upright, dainty, and scrupulous conscience," had restrained him from infringing that part of his coronation oath which was relative to the liberties and privileges of the laity.

† This matter was highly disputed between the popular party in the kingdom and the royalists. The popular party called the King one of the three estates; but Charles assumed the sovereignty over the estates, and asserted, that the estates were, the Lords spiritual, the Lords temporal, and the Commons. This was a very absurd pretension; since no power can be superior to the legislative; and if the King is not part of the legislative, he can be only the executive, which is a power subordinate to the legislative.

The lawyer Bagshaw argued, that bishops sat in parliament in virtue of their temporal baronies; and that their total absence from parliament could no more obstruct the proceedings of parliament, than the absence of any other number of Lords.

Anno 1641. possessing bishops of their seats in parliament, and a salvo in the bill for bishops possessed of temporal peerages; since, as he justly observed, noblemen who had entered into holy orders could be no less tied by the peculiar duties of their calling than commoners.

Williams was answered in a very judicious manner by the lord Say, who argued, from the authority of scripture, that Christ had forbidden the apostles, and consequently their successors (a title the bishops assumed) to exercise jurisdiction over their brethren. He proved, from the examples of all times, that the ambition of the clergy had introduced discord and confusion in every society, and that their pride had occasioned them to be the common incendiaries of the Christian world*. “While they kept themselves to prayer, and the ministry of the word, according to the examples of the apostles, the world received benefit from them; but when they intermeddled in secular affairs and state business, when they came to be advanced above their brethren, their domineering spirit had been the cause of a great effusion of Christian blood. Every thing was esteemed as it was eminent in its own proper excellency; their proper excellency was spiritual; the denial of the world, pomp, preferments, and employments; this they ought to teach, and this they ought to practise; but when they sought to rule and domineer, con-

* One of the arguments urged by the Commons for dispossessing bishops of their votes in parliament, was, that that privilege, by setting too great a distance between them and the rest of their brethren in the ministry, introduced disquiet in the church, by occasioning pride in them, and discontent in their inferiors. *Rusworth*, vol. IV. p. 281, & seq.

trary to the precepts and example of Christ, instead of honor and esteem, they had brought upon themselves contempt and odium. The vain things they so eagerly sought after, had indeed gained them cap and courtesy, but had cast them out of the consciences of all men. Did the apostles, men of extraordinary gifts, think it unreasonable for them to be hindered from giving themselves continually to preaching the word and prayer, by taking care for the tables of the poor widows? and could the bishops now think it reasonable or lawful for them to contend for turning statesmen instead of churchmen?" Lord Say, having thus endeavored to shew that the pretensions of the clergy were hurtful to their spiritual calling, proceeded to answer the political objections which had been made to the bill. "Antiquity, he said, was no good plea for that which, by experience, was found to be hurtful; the longer it had done hurt, the more cause there was to remove it. For being established by law, the law-makers had the same power and the same charge to alter old laws which were inconvenient, as to make new which were necessary. For privilege of the house, it could be no breach of privilege; for either estate might propose, by way of bill, what they conceived to be for the public good. For the objection, that if the Commons removed bishops, they might another time remove barons and earls, the reason was not the same; for the one sitting by an honour which was hereditary, could not be so easily taken away as the other, sitting by a barony depending upon an office. For the objection, that the bill altered the foundation of the house, and innovations which shook foundations were dangerous: if there was an error in the foundation, when it was

Anno 1641. found it ought to be mended, and not suffered to run on, to the prejudice of the structure; besides, the seat of bishops was not fundamental to the house; it had stood without them, and done every thing which pertained to the power thereof; they being wholly excluded." In the course of this speech, lord Say shewed, that the bishops had such an absolute dependence on the crown, that their privilege of voting in parliament was very prejudicial to the welfare of the kingdom*. But the King's influence and the bishops' votes at this time prevailing, the bill for dispossessing them of their seats was utterly rejected.

Clarendon.
vol. I.
p. 186.
& seq.

* Some time after this, Laud published a petulant answer to lord Say. He asserted, that the fathers of the church would never have undertaken the burthen of secular affairs, if it had been inconsistent with their function; and quoted the honest industry of St. Paul (who, to support himself in a virtuous independency, labored at the trade of tent-making), as an authority that bishops might intermeddle in state concerns. If the counsel of some bishops had been taken, he said, neither the King nor the church would have been in so bad a condition as they now were. Bishops could preach the Gospel more publicly, and to far greater edification in a court of judicature, or at a council, where great men were met together to draw things to an issue, than many preachers in their several charges could; besides, there was not that necessity of preaching now as formerly, when the world was little acquainted with the Gospel: he prayed God it had not got a dangerous surfeit. To shew that parliaments had been the occasion of shedding blood as well as the clergy, he quoted the example of that noble parliament who deposed Richard II. and called it an irreligious, traitorous parliament. In this answer he made it plainly appear, that he had no idea of the sense of moral obligations; for having taken a great deal of pains to prove the dominion of priests in the Jewish common-wealth, he concludes, that if the law could not give rule in this kind to those who live under the Gospel, a man might remove his neighbour's landmark; he might lead the blind out of the way; he might smite his neighbor; for these things were only prohibited by the law. *Laud's Remains, by Wharton.*

The

The Commons, exasperated at this sturdy opposition, determined to shew the bishops that they should have cause to repent the obstruction they had given to their designs: the Presbyterian party took the advantage of this ferment, and introduced into the lower house a bill for the total abolition of episcopacy. It was drawn up by Mr. St. John, and presented by Sir Edward Deering, who complimented the house on their great moderation in applying so gentle a remedy to restrain the exorbitances of the clergy as was their late bill: "But this, he said, having proved ineffectual, seeing that they were grown more stubborn and incorrigible, it was now necessary to put the axe to the root of the tree*." The episcopal party in the house inveighed against the presumption, as they termed it, of a private person to bring in a bill which overthrew the whole frame of church-government; and earnestly urged the rejecting it: the other party as earnestly pressed the reading it; and asserted, that the orders of the house were in their own power, to be altered or dispensed with at pleasure. After a long dispute, the Puritan party prevailed; the bill was read, committed, and laid aside till another favorable opportunity offered for reviving it; but on a motion being made for the taking away of deans and chapters, the Commons came

Parl. Hist.
vol. IX.
p. 356.
& seq.

* Clarendon tells us, that Sir Edward Deering was very opposite to the designs of the Puritan party; but that being a man of levity and vanity, he was easily flattered into the undertaking any thing; and that his greatest motive for presenting this important bill to the house was, the opportunity of shewing his classical knowledge, by the application of the following two verses in Ovid:

"Cuncta prius tentanda, sed immedicabile vulnus

"Ense recidendum est, ne pars sincera trahatur."

Clarendon's History of the Civil Wars, vol. I. p. 187.

Anno 1641. to a resolution that these should be utterly abolished, and their lands employed to the advancement of learning and piety, provision being made that the King should be no loser in his rents, first-fruits, and other duties *. Farther to humble and

* The two universities interceded in favor of this body; and Hacket, chaplain to bishop Williams, was permitted to plead their cause. Dr. Burgess was appointed to answer Hacket; and Mr. Thomas, member for Caernarvon, made a speech to the same purpose: he shewed, "That the office of deans, as it was now exercised, differed much from its original institution; that they were only appointed caterers or stewards, to provide food and raiment for the monks; and this at a time when their garments were not costly, nor their food dainty, being but bread and water; that when, for the austerity of their lives, princes did bestow lands and revenues on them, then their preposite, the deans, did partake of their honors and possessions; and being thus endowed, it was ordained they should be chosen out of the presbytery; from this rise they aspired to the civil magistracy, lay-offices, and dignities: humility, piety and industry, laid the foundation of all those magnificent structures wherewith churchmen were anciently endowed; pride, ambition, and avarice, would now demolish them." Mr. Thomas farther asserted, that the church, as it encreased in possessions, decreased in virtue; and that the office of deans, as it was now exercised, did neither tend to the honor of God, nor to the propagation of piety, as it had been alledged.

Mr. Pury, member for Gloucester, produced the copy of the statutes, grants, and foundation, of the dean and chapter of that city; the substance of which were, that the dean, prebendaries, and canons, were always to reside in the houses of the cathedral; there to keep a family, good hospitality, feed the poor, distribute alms to the needy, and to be careful to preach the word of God. They were to keep a common table in the common hall of the cathedral, where the canons and under-officers were appointed to eat together: the dean and chapter were also to give twenty pounds to the poor, besides to their own almsmen, and twenty pounds towards the repairing of bridges and highways; for the performance of these statutes, the dean, prebendaries, canons, and ministers of the said cathedral were respectively to take an oath, that they would observe them faithfully, and to their power procure all others to do the same. Mr. Pury asserted that

terrify the bishops, an impeachment against the fourteen who assisted at the late convocation was carried up to the Lords*, and a charge consisting of twenty-five articles, against Wren bishop of Ely †: he was voted unfit to hold or exercise

Anno 1641.
Bishops im-
peached.

that it was notoriously known to the city of Gloucester, and thereabouts, that not one of these statutes were performed by any of the deans or prebendaries of the said cathedral: they came, indeed, once a-year to receive the rents and profits of the lands; but did not distribute to the poor and needy their portion, neglected altogether the mending the highways and bridges, did not keep any common table at all, and, instead of preaching the word of God themselves, had been the chief instruments to hinder others from doing it. Mr. Pury farther asserted, that infinite were the pressures which many cities near unto deans and chapters had endured by them and their procurement; and seeing that the said deans and chapters were but trustees, and the profits of their lands ill employed by them, contrary to the trust reposed, it was fit, by a legislative power in parliament, to take them away, and put them into the hands of feoffees, to be disposed of to such religious and charitable uses as they were first intended; which proposal, if carried into execution, would be so far from occasioning a poor and beggarly clergy, that the overplus of these donations would afford a decent and plentiful maintenance. *Parl. Hist.* vol. IX. p. 356, & seq. *Collier's Ecclesiastical Hist.* vol. II. p. 803.

* The Lords not committing the bishops on this general charge, a more particular one was brought up by the Commons. This had no better effect; and the bishops were permitted to be so dilatory in their defence, that in a quarter of a year after the commencement of the prosecution they put in a plea and demurrer, instead of an answer to the charge of the Commons. The Commons complained of the unnecessary delays, and particularly of the Lords admitting the demurrer without calling up the Commons to be present when the matter was argued. *Nelson*, vol. II. p. 717, & seq.

† One of the twenty-five articles was, that the said bishop having exacted of the city of Norwich two shillings in the pound in lieu of the tithes of houses, though by the law of the realm, no tithes ought to be paid out of the rents of houses, he, to effect this, did obtain of the King an order under the great seal of England, that the persons refusing to pay should be heard in the court of Chancery, or the Con-
sistory

Anno 1641. any office or dignity in the church or commonwealth; and the Lords, at the desire of the Commons, committed him to the Tower.

A message was also delivered by Mr. Pym, that the Commons did intend to proceed in the business concerning the archbishop of Canterbury; therefore desired their lordships to appoint a select committee to examine such witnesses as the Commons should desire, and that to be in the presence of such members of the lower house as that house should appoint; that the examination might be kept secret, as in the case of the earl of Strafford; and, as an order had passed the Commons to examine their own members, that the Lords would provide that such members of their own house as should be nominated by the Commons be likewise examined: to this message the Lords gave their assent. Among these acts of justice, the judges were not forgotten: an impeachment was sent up against all those who had given their opinion for the crown in the case of ship-money, and who in many other instances had, in the most notorious and profligate manner, betrayed the laws to the invasions of power*. Pierpoint, son to

Impeachment of the judges.

Rushworth, vol. IV. p. 318, & seq.

history of the bishop of Norwich, and that in such case no prohibition should be granted. *Nelson*, vol. II. p. 351, & seq.

* One of the articles against Sir Robert Berkley, was, that, contrary to a statute of the five-and-twentieth year of king Henry VIII. some ill-affected persons endeavouring to bring a charge upon the subjects contrary to law, did surmise that the price of corn might be rated according to the direction of that statute for the rating of other kinds of provision, and thereupon great gain might be raised to the King by licences and dispensations for selling corn at other prices. On these suggestions, a command from the King having been procured to require the judges to deliver their opinion touching

to the earl of Kingston, was appointed to enforce the charge against Sir Robert Berkley. Many of the evils under which the nation had groaned, he said might have been prevented by the judges: their unjust judgments had been our records; this kingdom had known wicked statesmen, craftily politic, who hated our laws, but not meeting with judges moulded to their purposes, the realm flourished: of late others, less politic, meeting with judges every way as ill as they could wish them, then did the people faint. Mr. Pierpoint justly observed, that the best lovers of their Laws and Liberty, the most honest, suffer most by an unjust judge; they most oppose his vices. He who will do no wrong will suffer none which he can help; and he who knows himself to be born free will do his utmost to live so, and leave that freedom to posterity. Law was Liberty; and the unlimited power must be in some to make and repeal laws, yet nature placed it in common consent only. Mr. Pierpoint farther observed, that the countryman followed the plough with alacrity when he thought himself assured of his right of property and freedom; but when he had lost that assurance, idleness was regarded as wisdom, since industry itself could not secure a man from beggary. Mr. Waller, who enforced the charge against judge Crawley, observed, that though the delinquent had, by a supposed necessity, declared the dissolution of law, yet he had proceeded to condemnation and punishment; as if the law was in force for our destruction, and not for our preservation;

ing the question, Sir Robert, in furtherance of the said unlawful charge, did deliver his opinion that corn was such virtual as could be legally rated. *Rushworth*, vol. IV. p. 318, & seq.

that

Anno 1641. that it had power to kill, but none to protect. On every county a ship was annually imposed, and who would not have expected that the seas would have been covered with our ships? But the daily complaints of the decay of our navy*, and the many petitions from the families of the captives at Algiers, shewed, that to make us slaves at home was not the way to keep us from being slaves abroad†; and that the judgment in the case of ship-money had been so far from relieving the present, or preventing the future necessity; that, as it had changed our real property into the shadow of a property, so of a feigned, it had made a real necessity. Mr Waller introduced the story of the Roman citizens refusing to fight the Sabines, whilst they were commanded by the decemviri, and preferring a present diminution of their honor, rather than by victory to confirm the tyranny of their new masters. This he applied to the late behavior of the army against the Scots; and added, that not only the restitution of the English laws, but the restoration of English courage, depended on the justice of the

* Notwithstanding the assertions which are to be found in history concerning the proper application of ship-money, the navy was at this time in a very low condition; the provision of the magazines was decayed, and the arrears of the naval officers very great; a debt of an hundred and thirteen thousand pounds was incurred. *Rushworth*, vol. IV. p. 356. *Nalson*, vol. II. p. 460.

† The depredations of these pirates on the English subjects had been very enormous through the whole course of this reign: the parliament at length prevailed on the King to give liberty to certain adventures to set forth ships at their own charges, without giving any account to the King or lord-admiral of what Turkish prizes they took. By the King's desire, these last words were altered to, "Without paying any duty to the King or lord-admiral," leaving the parties free to dispose of men, goods, and ships, to their best advantage. *Rushworth*, vol. IV. p. 203, & seq.

Lords.

Lords. “Your lordships have been often told, Anno 1641. added he, how careful your ancestors were, though with the hazard of their lives, to leave those rights and liberties as entire to posterity as they received them from their fathers; what they did with labor, you may do with ease; what they did with danger, you may do with security.” Mr. Hyde enforced the charge against the three barons of the Exchequer: they had, he said, in a tame and easy trance of flattery, lost and forfeited that reputation, awe, and reverence, which the wisdom, courage, and gravity of their venerable predecessors had contracted and procured to the places they held; and rendered that profession, which in all ages had been of honorable estimation, contemptible and vile. On the dispute between the King and his subjects, in regard to tonnage and poundage, Mr. Hyde observed, that the judgment on the point was not so great a crime in the judges, as that they presumed to judge at all, seeing that the matter was undetermined by parliament *. On the subject of knight-hood, that there was in the judges a contradiction of crimes: in Malverer’s case they could impose no fine, only they had found a trick, which they called the course of the court, to make his majesty a savor. Let the subject appear, plead, submit to the mercy of the court, issues went on still, as if he had done neither, till he did somewhat which the court would not order, nor was bound to take notice of when it was done. At the same time when the Commons sent up these

* This is not strictly true; because, before the judgment which Mr. Hyde alludes to, viz. Vassal’s case, the Commons had strongly declared against the King’s exacting tonnage and poundage without assent of parliament.

ANNO 1641. impeachments against the delinquent judges *, they recommended to the Lords to take into their consideration the merits of Sir Randal Crew; who, for having given his opinion against loan-money, was removed from his office of lord-chief-justice of the King's-Bench, and damaged in his fortune, by the deprivation of the profits of that place, twenty-six thousand pounds.

After repeated solicitations from the Commons, the King at length found himself obliged to disband his Irish army; but at the same time he acquainted both houses, that he had promised to lend these troops to the kings of France and Spain. The Lords acquiesced; but the more cautious Commons, justly fearing that it was an artifice of the King, to keep on foot a Popish army, ready trained and disciplined, which he

Rushworth,
vol. IV.
p. 381, &
seq.

* One of the articles against Sir Humphrey Davenport, chief-baron of the Exchequer, was, that on the sentence of degradation against Smart, prebend of Durham, a trial was afterwards had concerning the corps of the prebend. Sir Humphrey Davenport presiding, he, contrary to his oath, directed the jury to find against Smart; and being then informed by Mr. Smart's counsel, that though Mr. Smart was dead, or deprived, yet the profits of his prebend were due to his executors till the Michaelmas following, answered, that though he was not dead, yet he deserved to have been dead a great while ago; that he had no remedy, save by application to the King, and there he should find but cold comfort, for the King would not go against his own prerogative. On Sir Humphrey Davenport's not being charged with the judgment on ship-money, Mr. Hyde observed, that though he failed in making a conclusion from his premises, yet he quickly repented that that mischief was done without him, and made all possible haste to redeem himself from the imputation of justice, declaring publicly in the face of the country, that it was adjudged by all the judges of England, that ship-money was due to the king; and thereupon imprisoned a poor man for doing that, which, if ship-money had been due to his majesty, had been lawful for him to have done. *Rushworth*, vol. IV. p. 344, & seq.

might

might always be sure of having at command, absolutely refused their assent. The King shewed himself determined to stand to his engagement; but was prevented from effecting it, by both houses publishing a declaration, that whoever should assist in transporting the Irish troops to any foreign country should be deemed an enemy to the state *.

Anno 1641.

Journals of
Commons,
vol. II. p.
285.

During these transactions, the Commons came to some very spirited resolutions concerning the liberties of the subject, and the privileges of parliament †. An order was likewise passed, that

* Sir Benjamin Rudyard very warmly opposed the complying with the King's promise. "If it were policy, he said, to breed a militia at the charge of other states, that ought to be done amongst friends of the same religion; if these troops were sent away at the very time when there was an ambassador treating with the emperor about the Palatinate, it would convince the world that that embassy was but a sham. He had been ever against sending the Irish into Spain; besides, it would be very prejudicial to England if the Spaniards prevailed over the Portuguese. Spain had had too much connivance and assistance heretofore; it had lost the Palatinate; he hoped, now it was come to the parliament's turn to direct, they would not act over other mens faults." In this speech Sir Benjamin Rudyard inculcated this wise maxim, that the subjects of Great Britain might be much more profitably employed in cultivating the land, than being formed into standing armies, and thus rendered useless, if not dangerous, to the community. *Rushworth*, vol. IV. p. 381, & seq.

† Resolved, that the issuing out warrants from the lords and others of the privy-council, compelling Mr. Holles, and other members of parliament, to appear before them, is a breach of the privilege of parliament by those privy-counsellors.

Resolved, that the committing Mr. Holles, and the rest, by the lords and others of the privy-council, during parliament, is a breach of the privilege of parliament.

Anno 1641. that all the ship-money remaining in the sheriff's hands should be repaid; and, that the scourge of prerogative might no longer terrify the judges from executing uprightly the duties of their office, the parliament insisted that their patents, which had been granted by Charles *durante bene placito*, should be changed to *quamdiu se bene gesserint*.

Resolved, that the searching and sealing of the chamber, and seizing of the papers of Mr. Holles, Mr. Selden, and Sir John Elliot, being members of this house, during parliament, is a breach of the privilege of parliament.

Resolved, that the exhibiting an information in the court of Star-chamber against Mr. Holles, and the rest, for matters done in parliament, being members of parliament, is a breach of the privilege of parliament.

Resolved, that there was a delay of justice towards Mr. Holles, and the rest who appeared upon Habeas Corpus.

Resolved, that the continuance of Mr. Holles, and the rest of the members of parliament, 3 Car. in prison, by the then judges of the King's-Bench, for not putting in sureties to good behaviour, was without just or legal cause.

Resolved, that the exhibiting the information in the King's-Bench against Mr. Holles, Sir John Elliot, and Mr. Valentine, being members of parliament, was a breach of the privilege of parliament.

Resolved, that the judgment given upon a *nihil dicet* against Mr. Holles, Sir John Elliot, &c. and the fine thereupon set, and their several imprisonments, were against the law and privilege of parliament.

Resolved, that Mr. Holles, Mr. Strode, Mr. Valentine, Mr. Long, and the heirs and executors of Sir John Elliot and Sir Miles Hobart, respectively, ought to have reparation for their respective damages and sufferings, against the Lords and others by whose warrant they were apprehended and committed, and against the counsel who put their hands to the information in the Star-chamber, and against the judges in the King's-Bench.

Resolved, that Mr. Lawrence Whitacre, a member of this house, be sent to the Tower for searching the trunks of Sir John Elliot, and for seizing and carrying away his papers. *Russworth*, vol. IV. p. 347.

The

The judgment given in the Star-chamber against the city of London, for breach of covenant, coming before the lower house, it was resolved, that the court of Star-chamber, whilst it stood as a court, had no power to examine matters of freehold or inheritance, nor determine breach of covenant and trust; that in all proofs of the cause, there did not appear matter sufficient to convict the city of London of any crime; that, upon the whole matter, the sentence was unlawful and unjust; that the King ought to pay the money he had received upon composition; that the citizens of London ought to be discharged of the judgment *, and be restored to the same state they were in before the sentence in the Star-chamber †.

Anno 1641.
The Star-chamber
verdict against the
city of London reversed.
Journals of Commons,
vol. II. p.
272.

Whilst the Commons were thus asserting the dignity and authority of parliament, and establishing the privilege of the subject, Charles, who looked with disdain on their pretensions,

* The King's commission, proclamation, and the Star-chamber proceedings, on the business of soap-making, were at the same time cancelled and declared illegal; that the restraining of the subjects, the examination of them by oath against themselves, were contrary to law; and that the several parties who were covenanters were delinquents, and ought to make amends to the commonwealth, and to those individuals who had been oppressed in consequence of the covenant. *Journals of the Commons*, vol. II. p. 260, 299.

† A dispute which arose about this time between the lord-mayor and commonalty of the city of London, concerning the election of a sheriff, was brought into the house of Lords. The citizens were at this time the great creditors of the nation: the parliament was now applying to them for the loan of forty thousand pounds, towards disbanding the Scotch army; therefore the Lords, not caring to offend either side, settled the election of the sheriffs in the commonalty for the ensuing year, with a salvo for both parties. *Nelson*, vol. II. p. 318, 456.

Anno 1641. and with horror on their power, was plotting new schemes to regain his lost prerogative: he had flattered himself, that fair words, with a few concessions, and correcting some of the grossest abuses of government, would have obtained from the Commons a supply ample enough to have revenged himself on his Scotch subjects. On these hopes he called a parliament; whilst himself and his creatures endeavored to foment those feuds which had ever subsisted between the two nations. On the meeting of this assembly, he found, from the strong coalition of the Scotch army with the prevailing party in parliament, that his invasions on the liberties of both people had given rise to an union which baffled all his attempts to revive ancient jealousies; and that the Scots were to serve as auxiliaries to that faction in England who had most powerfully opposed his arbitrary pretensions. If the opposition of that northern kingdom had roused and inflamed his monarchical pride, how much more strongly was his resentment excited at the progress of the reformation which was daily making in English politics. Were the utmost pretensions of the Scots carried into execution, those immunities, yielded from necessity, might, on the first favorable opportunity, be easily regained, whilst the power of the crown continued unshaken in the rest of the British dominions. But when England, that ancient seat of monarchical pomp, who had long bowed her neck to the yoke of tyranny, when she assumed a popular government, asserted her native rights, and threw off the galling chains of regal and ecclesiastical power, what could stop the progress of Liberty, and in what part of the British empire could despotism hope
to

to reassume its claims? On this view of the state of affairs, Charles adopted new measures; he found that the Scotch commissioners had obtained all their demands of the English parliament, that they had been wooed by this assembly, with the utmost extent of liberality, to keep honestly to the promises and declarations they had made of assisting England in perfecting the same reformation in its government, as they pretended to establish in their own country. To destroy, therefore, a harmony which had hitherto compassed such notable achievements, and, if possible, bring over the Scots to the royal interest, was at present the sole view of the King. He stifled the resentment he had hitherto shewn, and strove, if possible, to outvie the parliament in courtesy towards the Scots. His party forwarded every motion which had been made in their favor. It was already voted, that before they left the kingdom, they should be paid the arrears of the monthly allowance, and eighty thousand pounds out of the sum of three hundred thousand pounds agreed to be given them for their brotherly assistance, and to receive parliamentary security for the residue to be paid in two years*. The Scotch commissioners had sent in a proposition, that they desired, as a special means for the preserving peace between the two kingdoms, a perfect unity in religion, and uniformity of church-government. The Commons, far from expressing any displeasure at this intermeddling, returned this civil answer, "That

Anno 1641.

Concessions
to the Scots.

* This profusion of favor excited jealousy. The earl of Bristol could not help saying, in a conference concerning the treaty, that the Scotch invasion had already cost the nation eleven hundred thousand pounds. *Rushworth*, vol. IV. p. 360.

Anno 1641. they did approve of the affection of their brethren in their desires of uniformity in religion, and did give them thanks for it : and as they had already taken into consideration the reformation of church-government, so they would proceed therein as should best conduce to the glory of God, and the peace of the church." The Scots were so intent on this point, that they made it one of the articles of the treaty of peace ; and Charles, even on this tender subject, did not deviate from the complaisance of the parliament *. Every thing which the Scots demanded for the security of their civil rights was granted them †. In the point of punishing offenders, Charles agreed, that proceedings

* Charles assented to the mortifying condition, that the Scots should be declared good subjects, and their invasion approved of as a laudable enterprize. This condition, by a vote of parliament, was ordered to be read in all churches, upon the day of thanksgiving appointed for the national pacification. Bishop Williams, whose conduct since the meeting of this parliament had already given great distaste to the Commons, very officiously compiled a set office for the service of the day of thanksgiving ; a declaration passed the lower house, that Williams had no power to set forth any prayer, and therefore the house did order, that that prayer should not be read in the liberties of Westminster, or elsewhere, and that it should be taken into consideration. *Nalson*, vol. II. p. 476, & seq. *Journals of Commons*, vol. II. p. 274.

† One of the articles which the Scots demanded was, that an act should be passed in the parliaments of England and Ireland, that the kingdoms of England and Ireland should not denounce or make war against the kingdom of Scotland, without consent of the parliament of England ; the parliament of Scotland passing an act there, that the kingdom of Scotland should not denounce or make war against the kingdoms of England and Ireland, without consent of the parliament of Scotland ; and that no ships should molest the trade of either kingdom without consent of parliament, declaring a breach of peace ; the states
of

should go on against them in Scotland, and that they should be no more employed in Scotch affairs *. Anno 1641.

With this management the arts of corruption were not omitted : they had proved very success-

of the country to punish the offenders of this act ; which, if they neglected to do, the neglect was to be counted a breach of the peace of the whole kingdom : if any of the subjects of any of the kingdoms should rise in arms without the consent of parliament, that then it should be lawful for any of the subjects to convene to suppress such evil-affected persons : and if either parliament should denounce war, they should give three months notice : and that an act should be made in the parliament of England for ratifying the treaty, which is also to be ratified in the parliament of Ireland : and that this treaty, and whole proceedings thereof, may be likewise ratified in the parliament of Scotland, and a firm peace established ; it is desired that his majesty may be now pleased to declare, that the ensuing parliament of Scotland may have full and free power, as the nature of a free parliament of that kingdom doth of itself import, to ratify and confirm the treaty and whole articles thereof ; and to receive account of all commissions granted by them, examine their proceedings, and grant exonerations thereupon ; and to treat deliberately, conclude, and enact, whatsoever shall be found conducive to the good and peace of that kingdom ; and that his majesty's commissioners shall be authorised with full power to approve whatsoever acts and statutes, which shall be accorded unto by the estates on that behalf, and shall sit and continue without interruption or prorogation whilst all things necessary for that effect be determined, enacted, and brought to a final conclusion. The act of oblivion not only justified whatever had been done in opposition to Charles's government, but excepted from pardon all those who, by his commission, had acted in opposition to the intended reformation. *Rusworth*, vol. IV. p. 372.

* The Scotch prelates, the earl of Traquair, Sir Robert Spotswood, Sir John Hay, and Balcanquhall, who had drawn up Charles's declaration against the Scots, were the persons excepted out of the act of oblivion. To save Charles the pangs of delivering up men who had done evil through his instigation, various expedients were proposed and rejected : at length it was determined, that though they should be judged by the parliament, yet the censure should be remitted to the King.

Anno 1647. ful, since the death of the offender Strafford had dissolved that union general hatred to his person and rage for justice had occasioned. The force of flattery and promises daily gained profelytes to the monarchical faction in parliament. The earl of Rothes, who was one of the chief confidants of the covenanters, was won over to the King's interest with the promise of being made gentleman of the bedchamber, and marrying a rich English heiress, the countess of Devonshire *. The Scotch commissioners were not inexorable: the complaisance of the English parliament had filled them with such high notions of importance, that they persuaded the King, that their interest, with his personal presence in the Scotch parliament, and a total compliance in matters of religion, would procure him a party strong enough to over-awe his opposers. Whilst the treaty was concluding in England, the divisions in Scotland had run high: the power and influence of Argyll had occasioned such jealousy, that Montrose, who mortally hated this nobleman, was enabled to form a considerable association for the King. This association was discovered by the covenanters, and some of his friends were sent to prison; Montrose accused Argyll and his followers with an intent to depose the King; and prevailed with one Stewart to give under his hand, that he had heard Argyll make such a proposal. Stewart was committed to prison: he retracted his evi-

Burnet's
Hist. vol. I.
p. 30.

Memoirs of
the Duke of
Hamilton,
p. 184.

* It was not from any struggling principle of honesty, that he was not gained before. Burnet tells us, that Spottwood had once made a bargain between him and the King before the commotions; but that the affair was broke off by the cabals of the earl of Traquaire, who could not endure that Rothes should be raised above him. *Burnet's Hist. of His Own Times*, vol. I. p. 28.

dence,

dence, as extorted from him by Montrose; and a prosecution was set on foot against this incendiary, who imagined himself to be of such consequence, that he sent flattering assurances to the King, that when he was supported by his presence, he should be able to retrieve his affairs with a high hand. Thus encouraged, Charles determined on a journey to Scotland; not without hopes that, in his progress through the North, he might find means to gain the English army.

To prevent any jealousies which might arise, and to cajole both houses into good humor, at the same time when he informed them of his intended visit to Scotland, he asked their advice and assistance concerning an embassy and manifesto*, in favor of his sister's distressed family,

Embassy and manifesto in favor of the Palatinate family. Rushworth, vol. IV. p. 308, & seq.

* The manifesto acknowledged, that both Charles and his father had been grossly deluded by the courts of Vienna and Madrid; that their pious inclination and regard for peace had induced them to omit divers occasions whereby they might have prevented the violences and oppressions used to the Palatinate family; that they had not only been drawn to forbear to engage in so just a cause, but had procured the disbanding the forces of count Mansfeldt, and had caused the surrender of some places of strength into the hands of the late infanta of Spain. Charles addressed his parliament in a very different style from what he had hitherto used: "I take an occasion, said he, to present that to both houses whereby I hope all the world shall see there is a good understanding between me and my people: It is concerning my nephew, the elector-palatine; who having desired me and the king of Denmark to give consent to a writing concerning the diet at Ratisbon with the emperor, I could not but send my ambassador to assist him, though I am afraid I shall not have so good an answer as I expect; which my nephew foreseeing, hath desired me, for the better countenancing of the same, to make a manifest in my name; which is a thing of great consequence, and if I should do it alone, without the advice of my parliament, it would rather be a scorn than otherwise: therefore I do propose it unto you; if you will advise me to it, I do think it were fit to be published in my name."

Ann^o 1641. which he proposed to send to a diet to be held at Ratisbon. Many members of the house of Commons shewed their zeal in this business. Sir Simon d'Ewes accused the Jesuits of having been the occasion of that bloody war which for the space of twenty years had ravaged Germany: he traced the troubles of the empire from the competition to the dukedoms of Cleves and Juliers to the present time; related the politics of the court of England, including the Spanish treaty, and archly enough said, that he hoped the parliament would verify that excellent and heroic expression of prince Charles, "Look for neither marriage nor friendship, without the restitution of the Palatinate *." Sir Benjamin Rudyard, a great partizan of the Palatine family, earnestly exhorted the house to give weight to the King's manifesto, by publicly declaring an approbation of the same. The following resolution was the issue of this debate: That the Commons did approve of his majesty's pious intention in behalf of the Palatine family; and if the present treaty should not succeed, they would be ready to give him such advice and assistance as should stand with his honor, and the interest and affection of the kingdom." The Lords concurred with the Commons in this resolution, and both houses desired the King to recommend the manifesto to the parliament of Scotland, that the concurrence of that kingdom might be likewise obtained †.

name." Sir Thomas Roe, a staunch friend of the Palatine family, was entrusted with this embassy. *Rushworth*, vol. IV. p. 308.

* Charles had lived in a perfect friendship with the court of Spain for some time.

† Mr. Hampden informed the Commons, that the earl of Essex had received letters from the queen of Bohemia, wherein she gave humble thanks to the parliament for their regard and consideration of her. *Parl. Hist.* vol. IX. p. 461.

The

The benefits which the English parliament, and particularly the lower house, had conferred on the Scots, were of a nature which exacted a return of the utmost gratitude: on this presumption, the commons placed such a confidence in this people, that, dreading no treachery from their quarter, they were not at first disgusted at the King's intention to pay them a visit; but some papers, written in a cypher from Montrose and his party in Scotland, having been discovered and produced, the Commons took the alarm, and, by the following resolutions, seemed to apprehend that the King had some design of putting himself at the head of the Scotch forces, and that he hoped for the concurrence of the English army: "Resolved, that both houses be humble suitors to his majesty, that the armies may be disbanded before the King's going into the North; that every part of the kingdom be put into a posture of defence against all opposition whatsoever; that all counties, especially the northern, be well stored with ammunition and arms, and that the trained bands be exercised; that an especial eye be had over all counties where the Papists are most resident, and that all public bills for the peoples' safety be expedited whilst the King is among us; that some course may be taken for the taking off all aspersions which have been raised concerning the parliament; some care to be taken for her majesty's safety, and the safety of the King's children; and that some person of credit, quality, and trust, may be thought of, to be always near the queen, in the time of the King's absence." A committee was immediately appointed to draw up the heads of a conference with the Lords. Mr. Pym, chairman of the committee, managed the conference. Ten propositions

Anno 1641.

tions were offered: the first concerned the speedy disbanding of the armies: the second insisted on the King's putting off his journey till this was effected, and the business of importance depending in parliament dispatched: the third, that the King should remove from his councils those who had shewn themselves malevolent against the peace of the kingdom, and fill up their offices with such as the parliament could confide in: the fourth, that the queen should take such persons into her confidence; that Jesuits and priests should be restrained from coming to court; and the college of capuchins at Somerset House dissolved: the fifth, that the King's children might be put under the tuition of persons of public trust, and well affected in religion: the sixth, that any person who should come into the kingdom with instructions from the pope, should be declared guilty of high-treason: the seventh, that the militia should be put in a good posture and made fit for service, that its officers should be approved by parliament, and that an especial oath, authorised by law, and such as might secure the public in this time of danger, might be imposed on them; that the five ports, and all the ports of the kingdom, might be put into good hands, and especial care taken for their reparation and provision; that the lord-admiral should inform the parliament in what state the navy was, and that it should be provided for out of tonnage and poundage for the security and peace of the kingdom: the eighth, that a general pardon should be drawn up: the ninth, that a standing committee should be appointed by both houses to confer together on particular cases: the tenth, that the King would be sparing in sending for Papists to court, that the laws might be put in execution

execution against those who came unsent for, that recusant ladies should be removed from court, that the persons of active Papists should be restrained, and no pensions allowed to such recusants as were held dangerous. The Lords agreed with the Commons on the main of these articles, but objected to that which related to the queen, on the pretence that it was contrary to the King's marriage articles*. The Commons not only defended their ten propositions, but in a few days sent up five additional ones, concerning the preventing Papists being harbored in the houses of foreign ambassadors; the dismissing them from all places of trust; that the arms which had been taken from the several counties should be restored †; and that the house of Commons should have such gunpowder out of his majesty's store as might be spared, paying after the rate of ten-pence per pound; and that, if his majesty could spare any arms out of his stores, they would purchase them. The King assented to the five additional propositions, without giving a satisfactory answer to many of the others; but the Lords, who had now perfectly agreed with the Commons, appointed a standing committee to meet with a committee of the lower house, to confer about such courses as should be most

* The King's marriage articles were neither approved or assented to by parliament; and consequently they had a right to insist on their not being executed, if found dangerous, or otherwise offensive. All private respects ought to give way to public good. The Commons, in a conference with the Lords on this subject, declared there were some things in them contrary to law.

† The King, intending to make a magazine of military stores in the castle of Edinburgh, had in several counties taken from the trained bands their arms, and sent them into Scotland. *Rapin*, vol. II. p. 230.

effectual

Anno 1641. effectual for the reducing all the propositions to effect for the public good.

Proceedings
against the
pope's nun-
cio, and
other papists.
Journals of
Commons,
vol. II. p.
185, & seq.
Rushworth,
vol. IV.
p. 300.

Rossetti, the pope's nuncio, and father Philips, the queen's confessor, having been mentioned as two of the most noxious agents about the court, it was resolved that they should be sent for to attend the committee for the propositions. Rossetti fled the kingdom; but father Philips had the imprudence to tell the messenger, that the queen had ordered him not to obey the summons till she had spoken with the King, and that he would follow her directions before the commands of the house of Commons. When the Commons were informed of this insolence, they sent a warrant to bring Philips before them as a delinquent. Philips for some time sheltered himself at Whitehall; but on a complaint of the Commons, that the King's house was made a sanctuary for criminals, he made a voluntary appearance, where, on his knees, he attempted to excuse his absurd opposition. After remaining some time in custody, he was sent to the Tower, and twelve articles of a seditious and criminal conduct were drawn up against him. It was referred to the committee for the Popish hierarchy to enquire what pensions were allowed to Philips and others for the seducing to Popery the children of Protestants, and what pensions were allowed to seminaries beyond the seas, and to priests within the kingdom.

The Commons were kept in perpetual alarm that dangerous designs were carrying on against the infant state of Liberty. The King continued resolute not to postpone his journey to Scotland till the armies should be disbanded; and what rendered this inflexibility more suspicious, he prevailed with the Scotch commissioners to present a paper to the Commons, giving some unsatisfactory

satisfactory reasons why their desires could not be complied with. On the intelligence that some French forces were marching towards Picardy, and that the queen intended to leave the kingdom under the pretence of want of health, they entered into new enquiries on the army plot: commissary Wilmot, colonel Ashburnham, and colonel Pollard, were committed to prison, and their pay as officers stopped*. All foreign letters, both outward and inward, were ordered to be opened; and the King was addressed by both houses against the queen's intended journey†. This

Anno 1641.
Farther proceedings
against delinquents on
the army
plot.

* Mr. Selden spoke in favor of these delinquents, and urged, that they were not only acquitted, but pardoned, by the act of pacification. To this the house objected, saying, that that act was not to be so interpreted, for, if it was, the archbishop of Canterbury, and other notorious offenders could not be proceeded against. Although Clarendon accuses the Commons of being in this case guilty of a subterfuge, to prevent the archbishop of Canterbury, and other offenders escaping with impunity, yet in this point they were very consistent, having all along declared, with the Scots, that the great delinquents should be held excluded out of any act of oblivion, or general pardon. The parliament assented to the proviso in the act of pacification, put in by the Scotch commissioners, viz. That no benefit in the act should extend to the Scotch prelates, or others pursued as incendiaries between the two kingdoms, and between the King and his people, on condition that it should be reciprocal between both nations; and the English commissioners for the treaty did aver, that they never did intend the act of pacification should extend farther than to things past between the two kingdoms of England and Scotland in matters of hostility, and things thereunto belonging. *Nelson*, vol. II. p. 625. *Parl. Hist.* vol. IX. p. 378.

† The address set forth, that there was cause to doubt that the Papists had some design in her majesty's journey, for they had sold their lands, and been very diligent in gathering together sums of money; many of the better sort were gone beyond sea; and the house of Commons had received information of great quantities of treasure in jewels, plate, and ready money, packed up to be conveyed away with the queen: and because they understood, by her majesty's physician,

Anno 1641.

interposition gave some interruption to the queen's schemes: she found it necessary to comply with the request of parliament; and the Commons, in return for what they civilly termed an obligation, voted her the thanks of both houses, and instantly went upon a bill for settling her jointure.

The present situation of affairs continued in a ticklish posture. The King was peremptory in his resolution to visit Scotland. Neither army was disbanded. Many members of both houses, either from levity, corruption, or rooted prejudices, grew cool to the popular interest; and the conduct of the Scotch commissioners was refractory and suspicious. These difficulties did not prevent the opposers of the court from proceeding with firmness and vigor. They yet maintained a considerable majority in the lower house, and they exerted their power with great spirit against the corrupt influence of the royal faction. The lord Digby, who, since his disaffection, had opposed all their measures with a daring boldness, fell under the lash of their severest censure. Vain of his abilities as a speaker, he had published his speech against the bill of attainder, after that bill had passed both houses, and after he had been questioned for the freedom he had used in the same speech. The Commons looked upon this as a high contempt of their authority; and the King having rewarded Digby's apostacy with calling him to the house of peers, the Commons, to signify their resentment, ordered his speech to

fician, that the chief cause of her sickness proceeded from discontent of mind, they thought good to declare, that if any thing within the power of parliament could give her content, they would be ready to farther her satisfaction in all things, so far as might stand with that public---(good) to which they were obliged. *Parl. Hist.* vol. IX. p. 449, & seq.

be

be burnt by the hands of the hangman, and passed a resolution, that the Lords should be moved to join in a petition to the King, that he would forbear to confer any honor and employment on a person who had deserved so ill of the parliament. The Commons were now in the utmost perplexity: they found innumerable difficulties in disbanding the army, on account of the slow coming-in of the poll-money *; and the Scots signi-

* For the speedy raising of so large a sum as was necessary to the disbanding the army, an order passed both houses for the bringing in and melting plate. Among the resolutions which passed in the business of raising money, the following one cut up the evil of arbitrary impositions by the roots. Resolved, that the estates of all such persons, living or dead, as have, by color of any patent, received from the subject, under pretence of custom, over and above that three-pence in the pound anciently due unto the King by law, or have been sharers with the patentees, ought to be made liable to restitution for so much as appears, by their accounts and confessions, to be clearly gained by them.---This resolution, which exacted a just retribution of public property, has been censured by a very judicious historian, as a stretch of arbitrary power not founded in equity, because the right of imposing had been adjudged to the King by the courts of Westminster-hall. The profligate dependance of those courts were in this reign very notorious; and in cases of private property, the man who wilfully or ignorantly purchases a false title, subjects himself and his heirs to the hardship of refunding whenever the right owner can make good his claim. The parliament had always controverted the pretensions of the crown in this point; and it has been already observed, that the King, by the constitution, is so far a minor as not to be accountable for committing offences against the laws. This being the case, there can be no other means for securing the subjects from the encroachments of power, but by rendering all its instruments liable to severe censures. An honest man, who is fond of Liberty, will take care to inform himself of every constitutional point which relates to the privilege of the subject. Ignorance itself is not, in a case of so high an importance, a sufficient excuse; because that very ignorance is in some degree criminal, since it may be avoided, and renders men liable to become tools to the higher instruments of oppression.

Arno 1641. fied a determination not to depart the kingdom till the arrears of the monthly allowance were paid, and eighty thousand pounds of the bounty money *.

On August the seventh, the Commons sent to desire the Lords to concur with them in petitioning the King to put off his journey, urging that they had only assented † to it on a supposition

pression. It was this vote which raised an hundred and fifty thousand pounds composition-money from the farmers of the customs.

At this time the following just censure passed upon the vintners. "Resolved, that the company of vintners, by their offer of forty shillings *per* ton upon wines to his majesty, and demand of liberty to raise the price of wines, are contrivers of the said unlawful impositions, and delinquents."

Notwithstanding the difficulty the Commons found to raise a sufficient sum to pay the army, they were so desirous of getting rid of the queen-mother, and her train of Papists, that being told she was ready to depart if money could be procured for sending her away, they consented to allow ten thousand pounds of the poll-money for that purpose.

This princess retreated to Cologne in Germany, where she died in a short time, without having had other support than what she obtained from the parliament and court of England. *Journals of the Commons*, vol. II. p. 218. *Rusworth*, vol. IV. p. 317.

* They refused the repeated desires of the Commons to disband their army, and forbear insisting for five or six weeks on the payment of forty thousand pounds of the eighty they were to receive for brotherly assistance, upon personal or any other security they should think fit. *Journals of the Commons*, vol. II. p. 220.

† They had assented to his going on the tenth of August, and sent the lord-general down to disband the army, on a supposition that the poll-bill would have brought in money to pay both them and the Scots. The earl of Holland was appointed general in the room of the earl of Northumberland, who had resigned. The earl of Holland made a motion, that the parliament should grant him a power to exercise martial law, under pretence that without such an authority there would be great tumults and disorders. The Lords seemed to acquiesce; but the Commons, more tender of public Liberty, rejected the motion, and resolved, that the
mutinous

that they could have effected the disbanding the army. The King was then petitioned either to stay fourteen days longer, or to appoint one or more person or persons to have the power of a *locum tenens* during his absence; and that such person or persons should have power to give the royal assent in parliament*. On these debates the Commons sat till ten o'clock on the Saturday-night, and all the next day†, plying the King

Anno 1641.

mutinous soldiers should be punished by the civil powers; and that the justices of peace, and other civil officers, in the counties through which they passed to the places of their abode, should provide for their orderly conducting. *Journals of the Commons*, vol. II. p. 188. *Nelson*, vol. II. p. 318.

* Clarendon is very free in his censures on the Commons for making such a request: he calls it an extravagance they did not understand, and that no such commission could be legally granted. It was not only asserted in the debates on this subject in the lower house, that the ancient and constant course in all times had been always to have a *locum tenens* in the King's absence, a parliament sitting not limited to any particular matter, but precedents were brought to support this assertion. *Journals of the Commons*, vol. II. p. 240.

† “ Ordered, that the house be called over on Wednesday se'nnight, and that the knights, citizens, and burgesses, do send down to the sheriff of every county, requiring their members to return, on pain of incurring the displeasure of the house.

“ Ordered, that the house shall meet to morrow, being Sunday, concerning the peace and quiet of the kingdom.

“ Resolved, that the house shall enter into consideration of no business whatsoever on this day, but such as shall immediately concern the good and advancement of religion, and the safety of the kingdom.”

Neither house thought these resolutions a sufficient justification for their doing what the majority of the nation looked upon as a kind of prophanation of the Lord's Day: they published a declaration, that they would not have done this but upon inevitable necessity, the peace and safety both of church and state being so nearly concerned; which they did declare to the end that neither any other inferior court or council, or any other persons, might draw it into example for neglecting the due observation of the Lord's Day. *Journals of the Commons*, vol. II. p. 245, & seq.

Anno 1641. with continual messages to put off his journey.

These entreaties were in vain: Charles pleaded his promise, and got the Scotch commissioners firmly to insist on his commencing his journey on the appointed day *. On the eve of that day he accordingly sat forward †, after passing all the bills which were made ready ‡; leaving, instead

The King's
journey to
Scotland.

Acts passed.

* Notwithstanding the Commons sent the Scotch commissioners word, that if they would dispense with his majesty's journey for fourteen days, they would petition his majesty to send a commissioner for the dispatch of their affairs; and if they would condescend to this request, in respect of the great and urgent occasions of the kingdom of England, they would take it as a great argument of their affection. *Journals of the Commons*, vol. II. p. 245.

† The parliament solicited the King to appoint, before his departure, the earl of Salisbury to the office of lord-treasurer, and lord Pembroke to the office of high-steward, in the room of the earl of Arundel, who left the kingdom with Mary de Medicis, the queen-mother.

‡ Acts passed before the King's journey to Scotland.

1. An act for the preventing inconveniencies happening by the long intermission of parliament.

2. An act for the relief of his majesty's army and the northern parts of this kingdom.

3. An act for the reforming some things mistaken in the late act for the granting four subsidies, entitled, An act for the relief of his majesty's army, &c.

4. An act for the farther relief of his majesty's army, and the northern parts of this kingdom.

5. An act for the better raising and levying mariners for the present guarding the seas, and necessary defence of the realm.

6. An act concerning the limitation and abbreviation of Michaelmas Term.

7. An act to prevent inconveniencies by the untimely adjournment of parliaments.

8. A subsidy granted to the King, of tonnage and poundage, &c.

9. An act for the speedy provision of money for disbanding the armies, &c.

10. An act for the regulating of the privy-council, and the taking away the court commonly called the Star-chamber.

11. A repeal of the branch of a statute *primo Elizabethæ*, concerning commissioners for causes ecclesiastical.

12. A

of a *locum tenens*, a limited commission for passing others with the lord-keeper, the marquis of Anno 1641.

12. A subsidy granted to the King, of tonnage and poundage.

13. An act for the securing of such monies as shall be due to the inhabitants of the county of York, and other adjoining counties wherein his majesty's army is or hath been billeted, &c.

14. An act for the declaring unlawful and void the late proceedings touching ship-money, and for the vacating all records and processes concerning the same.

15. An act against divers encroachments and oppressions in the Stanary-courts.

16. An act for the certainty of forests, and of the metes, meers, limits, and bounds of the forests.

17. An act for the pacification between England and Scotland.

18. An act for the securing, by public faith, the remainder of the friendly assistance and relief promised to our brethren of Scotland.

19. An act for the better ordering and regulating the office of clerk of the market, allowed and confirmed by this statute, and for the reformation of false weights and measures.

20. An act for the prevention of vexatious proceedings touching the order of knighthood.

21. An act for the free bringing-in of gunpowder and salt petre from foreign parts, and for the free making of gunpowder within this realm.

The Stanary-court exercised its jurisdiction over miners; but, by the abuse and encroachments of power, it extended itself in a manner which oppressed all the inhabitants of Cornwall and Devonshire, and, like all the other arbitrary courts, had set the common law at defiance, and disobeyed both prohibitions and Habeas Corpus's from the King's Bench. The Marshal's court is not expressly mentioned in any statute; but it sunk with the rest of those pestilential monsters which disfigured the beauty and tainted the health of the constitution. Clarendon tells us, that it was the offspring of this fruitful reign, of no longer date than the year 1633; that it took cognizance of offensive words; and such had been the extravagance of its proceedings since the dissolution of the last parliament, that more damages had been given in two days, by the sole judgment of the earl marshal, than had been given by all the juries in all the courts in Westminster-hall in the whole term, and the days for trial after it was ended. Cla-

Anno 1641. Hertford, the earls of Manchester, Lindsey,

rendon farther tells us, that, on the first entrance into this inquisition, an end was put to this upstart court; and that such was the effect which the authority of the parliament had on the proudest natures, that himself, who had taken the lead in this affair, was accosted by the lord Arundel, the earl-marshal, with great courtesy, who thanked him for having treated his person so civilly, when upon so just reason he had found fault with his actions.---It would be difficult to reconcile Clarendon's pleadings against the judges, and the opinion he gave of the Marshal's court and the Council of York, with the panegyric he makes of Charles's government in his History of the Civil Wars.

There was an attempt made to correct the shameful abuse of the privilege of distributing honors. The King was petitioned that titles of honor should not be bought and sold, but be the reward of virtue and merit. It was resolved in the upper house, to consult with the Commons on a bill for preventing a future abuse of this privilege.---The profusion with which this species of royal favor has been lavished in latter times, and yet continues to be lavished, is become an object very interesting to the whole commonalty, and particularly to the gentry, of this kingdom; who being no way distinguished by any political privileges from the lowest classes of the people, if they do not exert themselves in a regular constitutional manner, by proper remonstrances to the higher powers against this growing evil, will, in a short period of time, find themselves in a more ignominious situation than ever their ancestors were in the most servile periods of slavery, even in a worse state than are the gentry of any country in Europe, not excepting those who live under governments whose barbarous despotism is a disgrace to humanity and civilization.

The peers who petitioned for a parliament received the thanks of both houses; the petition was recorded in the Journal of the Lord's house, and ordered to be esteemed an act of that house. Before the King proceeded on his journey, it was declared and voted, *nemine contradicente*, by the Lords, that their certain and undoubted right was to chuse their speaker, who was not to depart when the house sat, without leave of the house. *Statutes at Large*, vol. II. p. 1105, & seq. *Life of Clarendon*, vol. I. p. 76, & seq. *MSS. Journal of the Lords*. *Rushworth*, vol. IV. p. 211. *Nelson*, vol. II. p. 438.

Essex,

Essex, Bath, and Dorset*; and appointing the earl of Essex lieutenant-general, with a power to raise what forces should be found necessary†.

A review of the transactions of this parliament, during the first period of their operations, must fill every mind, untainted by servile prejudices, with the highest sentiments of gratitude and veneration. The free constitution of England, which, from the ignorance of former ages, and the wicked policy of Kings, had admitted of so many arbitrary principles that it was become a monster void of symmetry, was now reduced to a system of government consistent and uniform, supporting itself by the pillars of law and equity. Every arbitrary court of judicature was abolished; the authority of the clerk of the market, who had a general inspection over weights and measures, and by whose power the people had undergone many hardships, vexations, and extortions, was transferred to the mayors, sheriffs, and other legal magistrates; the limits of the forests were restrained within their ancient bounds; the crown entirely deprived of the means of imposing the expensive honor of knighthood‡; and, as no

* The bills which these commissioners had authority to pass were, The act of treaty; any bill for raising money, as there should be occasion for raising of forces for service at sea and land, and to resist foreign invasions, and seditions at home; any bill for tonnage and poundage, or other duties upon the exportation or importation of commodities; for the preservation of salt-petre mines, and making of gun-powder for the defence of the kingdom; a power to pass the bill concerning the eight subsidies for the clergy. *Parl. Hist.* vol. IX. p. 469, & seq.

† By the desire of both houses, the earl of Essex had been appointed lord-lieutenant of Yorkshire, in the room of the lord Saville, who resigned.

‡ The old Gothic custom of trial by battle was entirely abolished by this parliament. The house of Commons having

Anno 1641. court of justice remained but those which took cognizance of common and statute law, the King's power of issuing proclamations and extorting money from the subject was entirely cut off, because every man might disobey those arbitrary edicts with impunity. Past grievances were not only redressed, but the exemplary punishments of state delinquents *, with the act for triennial parliaments, were new bulwarks to defend the constitution against the attacks of power. Many of these advantages, escaping the corruption of time, and the confusion of civil broils, are yet enjoyed by the inhabitants of this island, and ought to

received complaint, that the office of sheriff was attended with excessive expence, by reason of presents and entertainments given to the judges, with large fees to their servants; and the like complaint being made by counties, cities, corporations, and boroughs, that whenever the King passed they were obliged to pay large sums to his officers, as pretended fees and duties; it was ordered, that no such presents, entertainments, gifts, or pretended fees, should be demanded, given, or paid; and if any person should do contrary to the said order, they should be esteemed by the house as giving examples inconvenient to the public.

* A few weeks after Strafford's execution, the house of Commons with more generosity than prudence, passed a bill for restoring his honors and titles to his children.---This stricture may be looked on as severe; but it is not for the advantage of a state that a man's family should be benefited by his public vices, neither is it compatible with the laws of equity that they should be sufferers for them: therefore, if the parliament had preserved a just medium, they would have reinstated the earl of Strafford's children in the honor and fortune he was possessed of before he entered into the service of the court, but deprived them of the enjoyment of the wages of iniquity. This opinion, consistent with the laws of justice and sound policy, is to be taken generally; nor can it be supposed a reflection on the descendants of the earl of Strafford, since posterity is not answerable for the crimes of their ancestors. The greatest patriot, and most virtuous citizen, may spring from the loins of the most corrupt member of society.

raise

raise in the heart of every Englishman a grateful monument of praise to those renowned patriots who procured such invaluable blessings to posterity*.

C H A P. II.

The leaders of the popular party attempt to wrest from the King the power over the militia.——English and Scotch armies disbanded.——Committee of parliament sent into Scotland.——Transactions in that kingdom.——Affairs of Ireland.——Irish insurrection, and massacre of the Protestants.——Conduct of the English parliament in that business.——The King returns to England.——His public entrance into the capital.——He deprives the parliament of their guard——Their petition, and remonstrance of the state of the kingdom.——Tumults.——Protestation of the bishops.

THE free constitution of England, thus vindicated from the usurping pretensions of the crown and the mitre, promised fair to arrive at that state of perfection which allows an equal proportion of Freedom to the subject and the sovereign. Notwithstanding this

* Among those heroic exertions in the cause of Liberty which signalize this house of Commons, it must be owned that the particular urgency of circumstances occasioned them to lay some very arbitrary restraints on the press. It was ordered, that all stationers and printers should take the name of every person who brought any thing to them to be printed, sold, or published, that they might, under pain of incurring the same penalty as the author, be ready to give account as they should be required. It is remarkable, that the printers themselves preferred a bill for regulating their trade, and that there should be no books printed without licence. *Journals of the Commons*, vol. II. p. 220. *Rushworth*, vol. IV. p. 357.

Anno 1641. favorable appearance, Liberty, though largely enjoyed, was not firmly established: the body of the nobility had never acted on any extensive view of public utility; their opposition had been solely founded on private pique and personal jealousy; they had rather distasted the ministers of the late oppressive measures, than entertained any noble resentment at the oppression itself. Since Laud and Strafford, those two envied objects were removed, the selfish prejudices incident to their station inclined them to combat the progress of a reformation which apparently tended to establish a just equality of political privileges among all men.

The attempts of the crown, to debauch several members of the lower house from the sound principles of Liberty, had succeeded but too well. These, according to the nature of opposition, from moderate opponents had become inveterate enemies; and the repeated mortifications they received from the prevailing party in parliament, inclined them to run into the opposite extreme of their pretensions. The Commons were better acquainted with the temper of the King than to suppose he would remain quiet under the present diminution of royal power; they knew he had already attached to himself a strong party of malcontents, besides the body of Roman Catholics. In these circumstances, it was necessary to the safety of the public, that the militia and forts of the kingdom should be vested in proper hands. The first steps made in this attempt were the ten propositions offered by the Commons, and assented to by the Lords*.

* Sir Arthur Haslerig, a popular leader of great spirit, introduced a bill for the settling the land and sea forces in such hands as should be nominated by the lower house. He

Of these they were so tenacious, that, not meeting with a ready compliance; standing committees were appointed to confer from time to time on a method of reducing them to effect, in spite of royal opposition. Anno 1641.

Charles, having succeeded so far in the plan of his expedition as to overtake both armies before they were disbanded, applied himself with the utmost assiduity to gain them to his interest. Henderson, the popular covenanting preacher, was appointed his chaplain, and the great officers of the Scotch army were treated with high marks of favor and distinction*; together with this suspicious circumstance, that the earl of Essex received intelligence from the earl of Holland, that attempts were made to corrupt the English troops. The parliament took the alarm; an order passed both houses for disarming all the Papists in England. The vaults under the parliament-house were searched; and the Lords were desired by the Commons to declare, that all privileges should be void, in case of the convicting or disarming of recusants. The Scotch commissioners were moved to provide for the speedy march of the Scotch army, who were forbidden to pass through Berwick but in small numbers. Directions were given to the earl of Holland to disband both horse and foot immediately,

Clarendon's
Hist. vol. I.
p. 230.
Parl. Hist.
vol. IX.
p. 488.

English and
Scotch ar-
mies dis-
banded.

was strongly seconded by Mr. St. John, who declared, that such power over the militia as might be necessary for the security of the kingdom, was not yet by law vested in any person, not even in the crown. *Clarendon's Hist.* vol. I. p. 217, & seq.

* It is said, that four northern counties, with the plunder of London, were offered to the Scotch army, if they would engage to interrupt the proceedings of the English parliament. *Ludlow's Memoirs*, fol. ed. 1751. p. 6. *Mystery of Iniquity*, a tract, published in 1643, p. 22.

and

Anno 1641.
Nelson,
vol. II. p.
451, & seq.
Committee
of parlia-
ment sent
into Scot-
land.

and that no munition or artillery of the King's at Hull should be removed, but by order of parliament. A small committee of both houses * was sent into Scotland to keep up a good correspondence between the parliaments of each kingdom, to inform themselves of the inclinations of that people, and to watch the King's actions. According to previous agreement, the ordnance and ammunition of the Scots were conveyed to the Tower of London, and a very complaisant letter, in the name of both houses, written to the earl of Holland, signifying an entire approbation of his conduct and care for the public good.

Transac-
tions in Scot-
land.

The impression which the King had made on the Scotch and English armies was followed with no other effect than personal civility. He had the mortification also to find, on his arrival at Edinburgh, that the parliament had chosen the lord Balmerino for its president; that they would not suffer any member to sit among them but those who had signed the covenant; and that Montrose and his party had so over-rated their strength, that it was with difficulty he could prevent their incurring the punishment which their factious cabals had merited †. He was determined, however, to give full satisfaction, and deprive, if possible, his opposers in England of the support of the Scots. Every condition of the treaty of peace was confirmed by parliament. The lords of the articles, that effectual bar to

Burnet's
Lives of the
Hamiltons.
Guthry's
Memoirs.

* The lord Howard, Sir Philip Stapleton, Sir William Armyne, Nathaniel Fiennes, John Hamden.

† Clarendon says, that the King obtained the parliament's pardon for his own party, on condition that they came not near his presence; nor received any benefit from him, without their approbation. *Clarendon's Hist.* vol. I. p. 244.

the freedom of those assemblies, were set aside. To prevent the ill consequences of that practice which Charles and James had exercised, of giving Scotch titles to Englishmen, and disposing of their proxies, a law was enacted, that no man should be capable of a Scotch peerage who did not possess upwards of five hundred pounds annual rent in the kingdom. A law for triennial parliaments was passed, with an ordinance, that the last act of every parliament should be to appoint the time and place for holding the ensuing one. The King was deprived of a power, formerly enjoyed, of enforcing obedience to proclamations, under the penalty of treason*. These were all salutary acts; but the following was the crowning one, which gave entire liberty to the Scots, viz. That no member of the privy-council, no officer of state, none of the judges, should be appointed, but by advice and approbation of parliament; and all the officers of state were to hold their places *quamdiu se bene gesserint*. Four of the present judges, who had been active on the side of prerogative, were displaced; several of the head covenanters were sworn of the privy-council; Loudon was made chancellor; and the office of treasurer was discharged by a committee of four; viz. Argyll, Glencairn, Lothian, and Lindsay. With these essential gratifications, the lesser graces were not omitted: Argyll was created a marquis; Loudon, Lesley, and Lindsay, earls; Andrew Murray, lord Belvaird, and the lairds of Dudo and

* It is surprizing the Scots should ever fancy themselves a free people whilst they permitted their prince to enjoy a prerogative which, in a manner, invested him with the whole legislative authority.

Anno 1641. Arbuthnot, viscounts. Many of the prime covenanters obtained pensions. Charles conformed himself entirely to the established church, and church preferments were bestowed upon Henderson, and other popular preachers. The professors in the universities had their provisions augmented out of the episcopal revenues, and the parliament ordained a commission with powers to enlarge the stipends of the rest of the ministry. A judicature was established by the parliament to order all things concerning the peace of the land, and the preserving a perfect amity with England. A committee was also nominated to try Montrose and the rest of the royalists: it was with great difficulty the King could preserve their lives, by obtaining their censure to be remitted to himself. Such were the concessions necessary to quiet the Scots, and such the fruits of a journey stilly insisted on by the king*; whose hopes of meeting with a number of partisans were entirely defeated by the sudden death of the earl of Rothes, and the temerity and im-

* The vast concessions the king was obliged to make to the Scots, by exciting a jealousy, increased that desire for Liberty which already strongly reigned in the English; this nation disdaining to have been at such trouble and expence for the Scots to reap advantages superior to themselves. What were the King's expectations on these concessions, Clarendon, his great counsellor, informs us: "It is not to be doubted, says he, but, in consideration of these extravagant concessions, the Scots made as extravagant promises: that by their loyal and dutiful comportment, his majesty should find no diminution of his power; that he should have the entire obedience of that nation to preserve his full rights and legalities in England, and to reduce Ireland; the earl of Leven telling him, that he would not only never more serve against him, but that whenever his majesty should require his service he should have it, without asking what the cause was." *Clarendon's Hist.* vol. I. p. 244, & seq.

placable

placable envy of Montrose, who pursued the marquis of Hamilton, and his brother the earl of Lanerick, with such inveterate malice, that they found themselves under a necessity to join with Argyll, and the rest of the covenanters.

Montrose had the villainy to suggest to the King, that it would be for his interest to procure the murder of Argyll and the two brothers; and offered himself for the service. Intelligence of this black proposal having got abroad, Hamilton, Lanerick, and Argyll withdrew themselves to their houses, and prepared for a defence, declaring publicly that they knew there was a scheme on foot to assassinate them. Great was the consternation which this incident occasioned in the Parliament, and the city of Edinburgh. In England it was looked on as an attempt to break the pacification; and that such a design would not have been undertaken without the assurance of a strong party to abet it*. Sir John Berkeley and O'Neale, two general officers, who had been deeply engaged in the plot against the parliament, were put under arrest. Strong guards were placed in the cities of London and Westminster, and letters of caution sent to all officers civil and military. The committee of both houses attending the King in Scotland were ordered to acquaint him, that the English parliament held it a matter of great importance, that the religion, liberty, and peace of Scotland

Anno 1641.
Clarendon's
Hist. of the
Civil wars.
vol. I. p. 236.

Journals of
Commons,
vol. III. p.
290, 293.

* In the deposition taken on this occasion it appeared, that the earl of Crawford, the lord Amond, and colonel Cockrain, were concerned in this affair. Captain Steward deposed, that there was a great faction of noblemen and others at Edinburgh, who were able to suppress the marquis of Hamilton, the earl of Argyll, and their party. *Rushworth*, vol. IV. p. 421.

should

Anno 1641, should be preserved; and that they were resolved to employ their power and authority for suppressing all such as, by any conspiracy, practice, or other attempts, should endeavour to disturb the peace of Scotland, and to infringe the treaty made between the two kingdoms: farther the committee was ordered to inform the King, that whereas five companies out of the garrisons of Berwick and Carlisle were by his order stayed from disbanding, the Commons now assembled in parliament did declare, that they intended to be at no farther charge for the longer stay and entertainment of those men, nor for the demurrage of the six ships sent for the transporting of his majesty's munition, ordnance, and other provisions, if, by the occasion of the aforesaid order, they were kept out longer than had been agreed on.

These were not the only transactions which passed during the King's absence. On the eve of an adjournment, when many of the members were out of town, some of the zealous Presbyterians made a motion concerning alterations in the Book of Common-Prayer: this occasioned a very hot debate, where the no-less-zealous Mr. Hyde, and other bigoted churchmen, defended the liturgy with such pertinacious warmth, that they at length obtained the victory, and the motion was laid aside. The Lords, without waiting for the determination of the Commons, voted, that an order of theirs, made January 1640, which appointed a rigid observance of divine service, as regulated by former acts of parliament, should be rigidly observed*. The

* Of twenty-one lords who voted on this occasion there were nine dissenting votes. Six peers, viz. Bedford, Warwick, Clare, Newport, Wharton, and Kimbolton, entered a protest against publishing the order.

The Commons, on their side, published an order Anno 1641. against innovations ; for the strict observation of Sunday ; and that all corporal bowing at the name of Jesus should be forborn *. This occasioned a dispute which renewed the attack on the bishops, as the authors of dissentions between the two houses †. The Commons had ap-

* An order was made for afternoon sermons in all parochial churches. Parishes had leave to employ a lecturer at their own charge ; and the oath of canonical obedience was laid aside : in the order against innovations, bowing at the name of Jesus was forbidden. Sir Edward Deering made a very warm enthusiastic speech on this occasion ; he advanced some strong reasons against the validity of the order, as it was not in the regular way of bill, and contained an arbitrary imposition on the inclinations of men ; but laid an absurd stress on the corporal bowing at the name of Jesus, as if this frivolous ceremony was a necessary part of worship. *Nelson*, vol. II. p. 610, & seq.

† A bill for abolishing episcopacy, called, “ The Root and Branch bill,” was at this time warmly debated in the house. Sir Edward Deering, Sir Henry Vane, Sir Benjamin Rudyard, Mr. Waller, and Mr. Thomas, were the chief speakers on this occasion : Sir Edward Deering, Sir Benjamin Rudyard, and Mr. Waller, were for moderating the power and riches of bishops, cutting off what they called the corrupt adjuncts of episcopacy, and reducing it to its primitive simplicity. Mr. Waller advanced a very selfish argument to support his opinion ; viz. that if the people prevailed for an equality in things ecclesiastical, the *lex agraria* might be the next thing insisted on. The speech of Mr. Thomas was tedious and scurrilous : he having endeavored to shew, that the great power of the church had been as fatal to monarchs as it was repugnant to civil liberty, gave a detail of the oppositions which the crown had met with from former prelates : and very absurdly confounded their spirited endeavors to restrain the growing power of the crown, with the mean ambition and intrigues of the present hierarchy. On the subject of this debate, Sir Simon D’Ewes informed the house, that in the antient manuscript copy of the Greek Bible in the King’s library, Timothy and Titus are addressed by their plain names, without other distinction ; from which he inferred, that the styling Timothy and Titus bishops were spurious additions. The house proceeded so

Anno 1641. pointed a committee of forty-three, and the Lords a committee of seven, to take care of affairs of importance during their adjournment*, which was to continue from the ninth of September to the twentieth of October †.

Nothing very material happened during this recess, except the conspiracy in Scotland. Mr. Pym, chairman of the committee, having made

far as to pass an order, that all bishops, deans and chapters, and prebends, should be respectively prohibited to cut down any timber trees growing upon any lands belonging to any bishop, dean and chapter, or prebend, until farther order should be taken therein. *Journals of the Commons*, vol. II. p. 214.

* The powers which the Lords gave their committee were, to open the letters which should come from the committee in Scotland; to return answers; with power to recall that committee; to send down money to the army, and to assist in their disbanding, and in removing the magazines from Berwick and Carlisle. The Commons gave their committee more enlarged powers; viz. To publish the declarations of the house concerning innovations; to go on in preparation of proceedings against delinquents; to receive any offers of discovery they should make; to send to all sheriffs and justices of the peace upon information of any riots or tumults, to stir them up in their duty in repressing them; to take the account of any accountants to the King, in order to the preparation of the royal revenue; to consider the fishing upon the coasts of England, Scotland, and Ireland; to consider of framing and constituting a West-India company. This committee had other things in charge concerning the exchange beyond sea, and concerning Irish petitions. *Parl. Hist.* vol. X. p. 1, & seq.

† The plague, which had more or less visited this country ever since the King's accession to the throne, raged at this time exceedingly. The following were some of the orders which passed both houses on the occasion of this calamity; viz. That the bill, "Lord have mercy upon us," with a large red cross, should be set upon the door of every house infected with the plague; that all the stuff in the house where any had been visited with the plague, should be well aired before they were discharged, or the house open; that the house visited with the plague should be shut up, whether any person therein died or not, &c. *Nelson*, vol. II. p. 478.

a report

a report to the house touching this business, a conference ensued, and both houses recommended to the earl of Essex to guard the parliament. They then proceeded to those measures which have been before related, and a committee was appointed to prepare heads for a petition to prevent the mischiefs which might happen to the commonwealth by the choice and employment of evil counsellors, ambassadors, and other ministers of state *. A message to the following purport was sent from both houses to the marquis of Hertford † : That he should take the prince into his especial charge, and see that he made his abode and residence at his own house at Richmond; and that he should place such persons about him as should be answerable to parliament ‡.

Journals of
Commons,
vol. II. p.
297.

The leaders of the popular party were now determined to push the exclusion of bishops from parliamentary jurisdiction: a bill for disabling all persons in holy orders to exercise any temporal jurisdiction and authority, passed

Parl. Hist.
vol. X. p. 8.

* All committees on private business were for some time stopped, both on account of the contagion, and on the exigencies of public affairs.

† Lately appointed governor to the prince, in the place of the earl of Newcastle.

‡ The reasons which the parliament sent to the queen for their directions to the earl of Hertford were as follows: That the prince lost much opportunity in improving himself in his studies by being at Oatlands; that though the parliament did not think her majesty would intimate any thing to him concerning her religion, yet there were many about her who might prepare him with impressions which might remain for many years; that it was not the intention of parliament that the prince should entirely absent himself from her majesty, but that his place of residence might be at Richmond, for otherwise his governor could not take that charge over him as was required by the parliament, nor be answerable for such servants as were about him. *Nelson*, vol. II. p. 596, & seq.

Anno 1641. the lower house with very little opposition. Mr. Pym and Mr. St. John, who were appointed to manage a conference with the Lords on this subject, seconded the demands of the Commons with very strong arguments *, and petitions continued to pour in from all counties against the hierarchy †. Whilst the extinction of the order of bishops was under consideration, the King filled up five vacant sees ‡: this was regarded as an insult both on the lower house and on the public §, who had warmly and generally seconded every measure their representatives had taken to abolish episcopal government. The precarious state of the church had engaged the attention of all men; but they were now diverted from this object by an unexpected alarm of the most interesting nature.

Affairs of
Ireland.

To secure the dominion of Ireland to the British crown, those lands which had been forfeited by rebellion, and others fraudulently and forc-

* One of the demands of the Commons, on sending up the bill of exclusion, was, that the bishops, being all of them parties, should not have a vote in this question.

† The commons, in the midst of the hurry of these important affairs, did not neglect smaller grievances. On a complaint of the growing evil of debtors obtaining protection from members of parliament, Mr. Benson a Yorkshire member, a notorious protection-seller, was sent for as a delinquent, and voted unworthy to sit in parliament. Some time after this, a bill for waving the privileges of parliament during the present session, passed the Commons, and was earnestly recommended by them to the Lords. *Nelson*, vol. II. p. 595, & *seq. Parl. Hist.* vol. X. p. 50.

‡ Worcester, Lincoln, Exeter, Bristol, and Chichester. *Parl. Hist.* vol. X. p. 146.

§ The Commons went so far as to determine, that a committee should be appointed to draw up reasons to give the Lords to concur with them in petitioning the King to make no new bishops, till the controversy should be ended concerning the government of the church. *Clar. Hist.* vol. I. p. 240.

bly

bly obtained from the inhabitants, were conferred on British planters, who, allured by gain, had gone over in large colonies to settle in that barbarous country. The old Irish held their property by a whimsical tenure, called Tanistry. Individuals had no hereditary right: a whole sept, or clan, had a title to a whole territory; these used to chuse the chieftain *, who took upon him the title of King, or Lord: he, thus elected, had the seignory of all the lands within his territory, with a power to make an arbitrary distribution to his vassals †, who were all tenants in villainage, and were neither qualified to be sworn on juries, or to perform any public service. The chieftain himself held the seignory but for life ‡, and each new lord had the power to make a new distribution according to his pleasure. Thus, neither the descendants of the chieftains or vassals had a right to particular lands; but, as the lord was always chosen out of the principal branches of the sept, the immediate descendants of the old chieftains fancied they had a right to those seignories, and fondly imagined, if they could throw off their dependance on the state of England, matters would be adjusted to their satisfaction. As, from the uncertainty of the estates of the old Irish, they neglected to build, or improve their lands, and were in a manner dis-

Carte's Life of Ormond, vol. I. p. 155. Temple's Hist of the Irish Rebellion, 8vo ed. 1746, p. 14, & seq.

* These elections were generally obtained by force and violence.

† He might make new distributions as often as he pleased; nor were these tenants in villainage more secure in the possession of their goods and chattels, or even of their wives, than of their lands; these being all liable to be taken away at the pleasure of the lord. *Carte's Life of Ormond*, vol. I. p. 13.

‡ The estates which were held by the chieftains were annexed to the seignory, and did not descend by inheritance. *Carte's Life of Ormond*, vol. I. p. 13.

Anno 1641. nited from the government, by an immediate and absolute dependence on their chiefs, who governed them in an arbitrary manner, inflicting on them what punishments they pleased, in the reign of James and Charles it was the particular care of the lieutenants and governors of that country to obtain surrenders, and re-grant them on English tenures*. Sir Arthur Chichester, lieutenant of Ireland in king James's time, coming into his government with the advantage of a subdued rebellion, went great lengths towards the entire destruction of the Irish lordships.

Carte, vol. I.
p. 13.

The customs of Tanistry and the Brehon law † were in all their branches abolished; he offered the protection of the English laws to all the natives; sent judges into every county of Ireland; appointed sheriffs; prohibited the chieftains from tyrannizing over their tenants; and directed these, if they met with oppression, to complain to the ministers of justice. Steps were daily taken by the government to secure the property, as well as protect the persons, of these barbarians; yet such was their ignorance, that they disdained these unexperienced blessings, and envied the possessions of the British, whom

* The civilizing or governing Ireland was so little attended to by the predecessors of the Stewart family, that all kind of intercourse between the natives and the English was by law forbidden, lest the English should degenerate into Irish manners. On subdued rebellions, the Irish were re-granted their lands on their own barbarous tenures; and that country having been chiefly conquered by private adventurers of the English nation, these were permitted to establish separate jurisdictions and principalities.

† By the Brehon law, no crime, however enormous, was punished by death. Murder itself was atoned for by a pecuniary mulct, and each man, according to his rank, had a different rate affixed to him. *Hume's Hist. of James I.*
P. 43.

they

they looked on as robbers and invaders ; not- Anno 1641.
withstanding that the instructions they had received in tillage, buildings, manufactures, and other civilized arts, were a large return for their uncultivated lands. It was not only those who aspired to seignories who kept up a spirit of discontent among the wild Irish, but the priests, who, though, during the reigns of James and Charles, they had been indulged with a connivance amounting to a toleration *, yet, as they were deprived of their ecclesiastical revenues, they took effectual means to communicate their displeasure, and prevent any cordial reconciliation between the old and new inhabitants. The

* Papists were not only in a manner tolerated, but many of them were admitted to lucrative employments in the state and army, were indulged with the more substantial advantages of purchasing and inheriting lands, of sitting as jurors on the determination of life and property, of voting for representatives in parliament, and even having seats in both houses themselves. They practised at the bar, they were promoted in the law, they obtained peerages, and almost every indulgence in common with the Protestant subject. Clarendon gives the following testimony of the indulgence with which they were treated. " It cannot be denied, that the whole nation enjoyed an undisturbed exercise of their religion. Even in Dublin, where the seat of the king's chief governor was, they went as publicly and uninterruptedly to their devotions as he went to his. The bishops, priests, and all degrees and orders of secular and regular clergy, were known to exercise their functions among them ; and though there were some laws against them still in force, yet they were so rebated by the clemency of the King, that no man could say he had suffered prejudice or disturbance in or for his religion." To such a degree did royal indulgence extend to the Irish Papists, that the fifth of November was forbidden to be celebrated in that country, lest it should give them offence. *Borlase's Hist. of the Irish Insurrection*, p. 17. *Temple's Hist. of the Irish Rebellion*, p. 24. *Fiction Unmasked*, a tract published in 1752, p. 45. *Clarendon's Vindication of the Duke of Ormond*, 8vo ed. 1756, p. 8. & seq.

Anno 1641. successive administrations of Chichester, Grandison, and Falkland, though attended with some circumstances arbitrary and unjust, had been upon the whole very advantageous to the native Irish, and the favorable inclination of the Stewart family to the principles of the Roman-Catholic faith had occasioned them uncommon indulgences in the article of religion; yet such was the power, and such the intriguing spirit, of the priests, that in the short space between the years 1603 and 1615, three different conspiracies were raised against the English government*.

Borlase,
p. 15, & seq.

When the earl of Strafford was entrusted with the administration of the affairs of Ireland, he, for the better accomplishment of his purpose to establish a tyranny, endeavored to make a balance in parliament between the Protestants and Papists, that both parties intent on thwarting each other, and thus diverted from the objects of their mutual interest, might become an easy prey. By his means the Recusants were not only possessed of an equal share of the legislative power, but were treated with much more mildness and distinction than the dissenters. Notwithstanding these advantages, so obvious grew his diabolical purpose, so tyrannical were the means he was necessitated to use, such was the provoking insolence of the man, that these very Papists on whom he seemed to have conferred obligations, these very Papists whom he judged the properest to be trusted with

* In the year 1626, on the accession of Charles to the throne, pope Urban VIII. sent a bull, directed to the Catholic subjects of Great Britain, exhorting them rather to lose their lives than to take that noxious and unlawful oath of allegiance, by which the sacred sceptre of the universal church might be plucked out of the hands of the vicars of God. *Fiction Unmasked*, p. 46.

arms to scourge the Scots for their generous endeavors to maintain their Liberty, these very Papists for whose ease and emolument he had so heavily taxed the Protestants*, joined in the prosecution against him, and became the chief instruments of his death. The difficulties with which the King, by his ill conduct, was entangled, proved as advantageous to Irish as to British Liberty. The English house of Commons, by the good correspondence they maintained with the Irish committee, who were all of them Papists, shewed, that they looked on that privilege to be the common right of men of all persuasions, and that they took a brotherly concern in the interest of that conquered country. By means of this encouragement and protection, the Irish obtained advantages beyond their most sanguine hopes: the list of grievances their committee had brought over were considered by the King, and his privy-council, now composed of those popular noblemen, Manchester, Essex, Warwick, Say, and other members of respectable characters: by their influence, the Irish obtained a favorable answer to almost all their demands†. These were but

Carte's Life
of Ormond,
vol. I. p.
140.

* A round tax used to be gathered from the Papists, as a penalty for their not attending the public service of the established church. This Strafford more than made up to the King, by screwing up the subsidies to an exorbitant sum.

† Subsidies were to be assessed with moderation and equality; a free regrefs out of Ireland was granted; the rates of customs on goods were to be settled at five *per cent.*; the duty on French wines to be referred to the parliament; the extrajudicial proceedings of the council-board and Castle-chamber were to be prohibited for the present, and a future regulation made, according to what was done in England; all monopolies were to be cancelled; the High-commission court suspended; gunpowder was to be sold by the subject in Ireland, at the same rate it was sold in England; the restraint on hawking and hunting was to be forborne; the votes of the
privy-

Anno 1641. the first-fruits of what might be expected from the favorable disposition of public affairs, and the hearty concurrence of the English reformers in not only redressing all grievances, but in laying a firm establishment for an exalted system of Liberty.

Borlase,
p. 6.

When Strafford was summoned to fight against the Scots, he left the government of Ireland,

privy-counsellors to be free; the regulation of fees in the civil and ecclesiastical courts, and those of the customhouse officers, were to be determined by parliament; wool was to be transported into England without licence; wearing apparel and horses, for the use of private persons, were to be brought in and out custom-free; the tenures of fairs and markets were to be determined upon a special verdict by the judges of the King's Bench; the assessing and billeting soldiers to be restrained according to law; *quo warranto's*, not to be sued but upon just causes, otherwise reparation to be made by the King's officers to the party aggrieved; the power of provosts-marshal to be limited, and exercised only upon proclaimed rebels, or to bring in offenders to be answerable to the law; the proceedings of the court of Wards and Castle-chamber to be regulated according to the course of the Star-chamber and court of Wards in England. An act of parliament was to pass, to limit the title of the clergy to forty years; all parties who had been constrained by Strafford to give up impropriated tythes and lands to the church, were to commence suits for the recovery of their rights, without any interposition of authority. By the advice of the privy-council, all the graces, the establishment of which had been heretofore promised, but shamefully eluded by Strafford, were to be confirmed by parliament: in these were concluded the limiting the title of the crown to sixty years, and the securing the estates of the inhabitants of Connaught, and the counties of Clare, Limerick, and Tipperary; consequently the intended plantation was to be discharged, and by bill to be declared void. Votes of peers in parliament were restrained to those possessed of a certain portion of lands in Ireland; a baron two hundred a-year, a viscount four hundred, and an earl six hundred; this body of men were likewise to be indulged with an act, enforcing some trifling yet pleasing regulations for ranking in parliament. *Carte's Life of Ormond*, vol. I. p. 140, & seq.

with

with the title of deputy, to his creature Wandesford, the master of the rolls. Wandesford, observing the current ran strong against his patron, prorogued the parliament: he attempted to stop their committee from repairing to England; but, on the interposition of the English house of Commons, was commanded to give way. On the prosecution of Strafford, Wandesford died of fear and vexation. Sir William Parsons, master of the Wards, and Sir John Borlase, master of the ordnance, men at this time very agreeable to the Irish committee, were invested with the government*, under the title of Lords-Justices: they were united to the prevailing party in the English parliament, and strongly abetted the popular interest in Ireland. They admitted the abatement of the subsidy from forty thousand pounds to twelve thousand; prohibited the handling of civil causes at the council-board; expedited the drawing the bills obtained by the Irish committee; and gave all possible encouragement to the parliament in the work of legal reformation. The house of Commons in Ireland seem to have imbibed from the English a spirit utterly unknown to their rude and servile ancestors†: they put twenty-four queries to the judges concerning the state of law in Ireland; the judges not caring to

* The King would have appointed Ormond, another creature of Strafford, and especially recommended by him, to the office of deputy; but the Irish committee would not give way to it, nor to the appointment of the lord Dillon, who had engrafted himself by marriage into the Wentworth family with the earl of Strafford's sister, and had been active in some of the late illegal proceedings. *Carte's Life of Ormond*, p. 116. *Borlase*, p. 6.

† It has been already mentioned, that the Irish house of Commons impeached several of the great officers of state: this was the first precedent of the kind in Ireland. *Vide Carte*, vol. I.

condemn.

Anno 1641. condemn themselves, and render their past conduct subject to an impeachment, gave very unsatisfactory answers: this produced twenty-one spirited declarations*.

* The following are the declarations of the Irish parliament concerning the state of law, and the constitution of Ireland.

I. The subjects of Ireland are a free people, and to be governed according to the common law of England, and statutes established in their own parliaments.

II. The judges in Ireland ought to take the oath established in several parliaments, and ought not, under any pretext of direction from the King, to hinder or delay the suit of the subject, or judgment thereupon; and if any judge be found in default therein, he ought to undergo due punishment, according to former provisions in parliament, or as shall be declared in parliament.

III. The council table is no judicatory, wherein any action or suit can be determined.

IV. Proceedings before the chief governor alone, in an action or suit, are *coram non judice*, and void.

V. All grants of monopolies are contrary to the law of the realm, and therefore void.

VI. The officers of state ought not to imprison the subject but in cases where the common law of the realm and statutes do enable; and ought not to fine or censure any subject in mutilation of members, standing in the pillory, or other shameful punishment, in any case, at the council-table; every person restrained of their liberty, upon demand shall obtain a writ of Habeas Corpus, and upon the true cause of their detainer being certified, the courts of justice shall do what to justice shall appertain, either by delivering, bailing, or remanding the prisoner or prisoners.

VII. An act of state or proclamation cannot bind the liberty of the subject, nor alter the common law; and the judges of the law, who do vote for such acts of state, are punishable as violators of their oaths as judges.

VIII. No subject ought to be sentenced to death or executed by martial law; the authors and actors of any such sentence or execution are punishable by the law of the land for their so doing.

IX. No man ought to be punished for taking a voluntary oath before arbitrators, for the affirmance or dis-affirmance of any thing in civil causes.

X. No

The university at Dublin did not escape these diligent inquisitions into grievances. Strafford, Anno 1641.

X. No man is bound, or ought to be compelled, to acknowledge an offence laid to his charge, or the justness of any censure passed against him; nor any such forced confession or acknowledgment ought to hinder him from his bill of revival, or view of sentence or decree.

XI. Judges ought not to deny copies of indictments to the parties indicted.

XII. The raising the respite of homage since the year 1637 was arbitrary and against law; and the barons of the Exchequer ought not to distinguish between the respite of homage and the true values of knights fees.

XIII. The subjects of this kingdom may lawfully repair into England, either for redress of grievances, or other their occasions; eminent officers of state, or commanders of the army, only excepted.

XIV. Deaneries are not *de mero jure* donative, but some are donative, some elective, and some collative; the confirmation of the bishop's grant by a dean *de facto* having *stallum in choro, & vocem in capitulo*, together with the chapter, is good at law.

XV. The issuing *quo warranto's* against boroughs, to shew cause why they sent burgesses to parliament, and all the proceedings thereupon, is illegal and void; the right of sending burgesses to parliament being questionable in parliament only; and the occasioners, procurers, and judges, in such *quo warranto's* and proceedings, are punishable in parliament.

XVI. Jurors are the sole judges of the matter of fact, and ought not, for giving their verdict, to be bound over to the Castle-chamber.

XVII. No man ought to be censured in the Castle chamber in the mutilation of members, or other brand of infamy, or in other cases than are expressly limited by the statutes of the realm in such case provided.

XVIII. In the censures of the Star-chamber especial regard ought to be had to the words of the Great Charter, viz. "*Salvo contentemento,*" &c.

XIX. A felon who flies the course of justice, is no traitor, nor a proclamation cannot make him one.

XX. The testimony of convicted or protected rebels and felons is no sufficient evidence in law on a trial for life; and the credit of the testimony of persons accused or impeached, and not convicted, ought to be left to the jury.

XXI. The

Anno 1641. who had left the stain of imperious will in every department of government, innovated the settled regulations of the university of Dublin: Laud, for this purpose, was chosen chancellor: he drew up a body of statutes on the same arbitrary plan as he had done those of Oxford. The Irish house of Commons appointed a select committee to examine the charters of the college, and statutes in force: they excepted against many of them, passed a vote in condemnation of the government of the university, authorised a committee to propose out of the old statutes a new draught, and forbade the provost and fellows to make any elections, or to grant any leases until they had authority from parliament.

Thus was the state of Liberty in Ireland attended with those additional blessings, plenty, peace and security. Trade and manufactories flourished; taxes and contributions were now in a manner unknown to the happy subjects. Nature, admitting the improvements of art, adorned the fertile soil with a new face of beauty; whilst the enjoyment of these benefits was heightened by the conscious pleasure that law had rendered them permanent. The old and new inhabitants, Protestants and Papists, were equal partakers of these advantages*, and linked together in the

XXI. The King grants lands to be held in free and common soccage, as of a castle or manor, by letters patent under the great seal; and by the same letters patent, or by other letters patent, grants a fair and market, reserving a yearly rent, without expressing any tenure; as to the said fair or market, it is not held by knight's service *in capite*, or otherwise *in capite*. *Nelson*, vol. II. p. 584, & *seq.*

* Such was the advantage which the native Irish found from English commerce and cohabitation, that many of the Irish chieftains turned their Irish tenants out of their lands, and took in English; who not only improved their farms, but were able to give better rents; on the other hand, the English,

strong tie of interest. Nor was this the only Anno 1641.
balsam to heal antient animosities; the yet more
powerful influence of social converse, alliance,
inter-marriage, and consanguinity, had operated
for the course of many years. Such was the seem-
ing harmony which reigned in this country be-
tween Papist and Protestant, that it gave no um-
brage to the latter that the former now enjoyed
the privilege of practising at the bar as lawyers,
acting in the capacity of sheriffs, and other ma-
gistracies, without taking the oath of supremacy;
and that priests were as open in the exercise of
their religion as the Protestant clergy: nor did
the English parliament shew at this juncture any
dislike at these immunities.

Carte's Life
of Ormond,
vol. I.
p. 153.
Guthry's
Hist. vol. III.
p. 1029,
& seq.

This was but a short-liv'd calm, a fatal state of
fond security, by which the working heads of
ambitious priests were able to introduce more
diabolical mischiefs than perverted religion, in
the most depraved state of man, had ever yet ef-
fected. It is said, that one Roger More, of an
indigent fortune, yet swollen with fanciful ideas
of greatness derived from family descent, and
Owen O'Neale, a colonel in the Spanish service,
were the men who first formed a project to ex-
pel the English, and assert the independence of
Ireland *. The plan was proposed to lord Mac-

Irish insur-
rection and
massacre.

Carte's Life
of Ormond,
vol. I.
p. 156,
& seq.

English, because they could be served at a cheaper rate, em-
ployed the Irish. *Temple's History of the Irish Rebellion*, ed.
1746, p. 24, & seq.

* In the year 1639, Strafford had the intimation of a plot
which was intended against the Protestants in Ireland; but
not finding it ripe for execution, and not caring at that cri-
tical time to raise any apprehensions of a body of men he in-
tended to arm, he gave the messenger who brought him the
information a reward, and charged him to conceal the mat-
ter, and never again appear in that capacity. During the
time when Strafford was in Ireland, his chief comrade was
Sir Toby Mathews, one of the most turbulent of the English
Jesuits,

Anno 1641. guire and Sir Phelim O'Neale, two other dis-
 Macguire's lute adventurers, then to all the Irish chieftains,
 Evidence, who readily embraced the proposal, on receiving
 Borlase, intelligence from one Toole O'Conley, a priest,
 p. 23, & seq. that Owen O'Neale would be with them with his
 regiment of Irish Papists fifteen days after the
 rising. They were likewise assured by More;
 Carte's Life of Ormond, that the Irish of the Pale *, or the old English,
 vol. II. being all of them Papists, would join their bre-
 p. 159, & seq. thren; that the Irish officers in the Spanish ser-
 vice had promised assistance; the pope would
 supply money; cardinal Richlieu had given as-
 surance of a powerful aid †; and the Spanish
 ambassador had declared, that they should not
 fail of succors from Spain ‡. It was resolved,
 that the castle of Dublin should be seized || by
 Macguire, Macmahon §, More, Plunket, Paul

Jesuits. *The Plot or Progress of the Irish Rebellion*, a pam-
 phlet printed in 1644. *Carte's Life of Ormond*, p. 155.

* What is called the English Pale, is a large circuit of land
 possessed by the English at the time of the first conquest of Ire-
 land, and, till the period now treated of, inhabited by them.
Temple's History of the Irish Rebellion, 4to ed. 1724, p. 33.

† Cardinal Richlieu had formerly promised Tyrone to as-
 sist him in an enterprize on Ireland, as soon as the wars in
 Italy were over. *Macguire's Evidence*. *Nelson*, vol. I.
 p. 549.

‡ The Spanish ambassador told colonel Bourn, an Irish-
 man, that if the Irish Papists would take advantage of the
 times, and rise, their messengers for supply would be receiv-
 ed in Spain under canopies of gold. *Macguire's Evidence*.
Nelson, vol. I. p. 548.

|| The execution of such a design would have been easy :
 there were no fortifications about the city and suburbs; the
 lords justices, out of a due regard to the privileges of the
 inhabitants, had taken care not to quarter any soldiers in the
 town, though it contained fifteen Papists to one Protestant.
 Thus the guarding of the castle was consigned to the care of
 eight warders, old and weak men, and forty halberdiers.
Carte's Life of Ormond, vol. I. p. 168, & seq.

§ Macmahon was grandson to the earl of Tyrone.

O'Neale, an active priest, and others; whilst, on the same day, the rest of the adventurers undertook to seize the castles and forts of the several provinces. On the twenty-second of October, the day preceding that assigned for the enterprize*, the city of Dublin was full of conspirators. The lords justices had received some dark and general hints that schemes of importance were transacting among the Irish; but such was that apparent harmony and union of interest between the Protestant and Papist, that the intelligence was totally disregarded. One O'Conolly, an Irishman and a Protestant, was trusted with the secret: at almost the very period of its intended execution, he discovered it to the justices: the justices fled for safety to the castle, reinforced the guards, and gave the alarm to the town. Macguire and Macmahon were taken. The discovery of a general insurrection and massacre† was extorted from these criminals, but too late to prevent the execution. Sir Phelim O'Neale, and the rest of the infernal gang, were barbarously punctual to the villanies they had promised to perform. The persons, houses, cattle, and goods of the English were seized; an uni-

* The commencement of this revolt was fixed to the winter season, when it would be difficult to transport troops from England.

† Whilst Macmahon was examining, he drew on the walls those representations which presented themselves to his fancy concerning the tortures he supposed then inflicting on the Protestants. With the most hardened impudence he told the justices, that all the Papists in the kingdom were engaged in the plot; that what was to be done in other parts of the kingdom was so far advanced, that it was impossible for the wit of man to prevent it: it was true they had him in their power, and might use him as they pleased, but he was sure he should be revenged. *Borlase's Hist. of the Irish Insurrection*, ed. 1680, p. 20, & seq.

Anno 1641.

verfal massacre enfued *; nor age, nor fex, nor infancy were fpared; all conditions were involved in one general ruin. In vain did the unhappy victim appeal to the facred ties of humanity, hofpitality, family connection, and all the tender obligations of focial commerce; companions, friends, relations, not only denied protection, but dealt with their own hands the fatal blow. In vain did the pious fon plead for his devoted parent; himfelf was doomed to fuffer a more premature mortality. In vain did the tender mother attempt to foften the obdurate heart of the affassin, in behalf of her helpless children; ſhe was referved to behold them cruelly butchered, and then to undergo a like fate. The weeping wife, lamenting over the mangled carcafe of her husband, experienced a death no lefs horrid than that which ſhe deplored. This ſcene of blood received yet a deeper ſtain from the wanton exerciſe of more execrable cruelty than had ever yet occurred to the warm and fertile imagination of Eaſtern barbarians. Women, whoſe feeble minds received a yet ſtronger impreſſion of religious frenzy†, were more ferocious than the

* Carte ſays, that the Irish were at firſt buſy in plunder; that the maſſacre did not begin till the ſecond week of the inſurrection, when the rebels had ſecured to themſelves the entire counties of Tyrone, Monaghan, Longford, Leytrim, Fermanagh, Cavan, Donnegal, and Derry. On their ſeizing the perſons and goods of the Engliſh, they would tell them, “We only take your goods now, but worſe will follow.” Carte, vol. I. p. 175, & ſeq. *Report of the Examinations taken before Commiſſioners appointed by the King’s Authority.*

† Slaughtering the Engliſh was represented by the prieſts as the moſt meritorious of religious acts: they exhorted the people, with tears in their eyes, to rid the world of theſe declared enemies to the Catholic faith and piety. The murdering of Proteſtants, they ſaid, would be a good preſervative againſt the pains of Purgatory; nor would they admit

men; and children, excited by the example and exhortation of their parents, stained their innocent age with the blackest deeds of human butchery *.

nister the sacrament, but on condition that neither man, woman, nor child, should be spared. Many of the rebels would say, after bragging of the number of barbarous murders they had committed, that they knew if they should die, their souls would go immediately to heaven. Nay, so much did they plume themselves on the merit of these exploits, that an abbot was heard to say, he would not appeal to the mercy, but to the justice, of God, for good success to the undertakings of the Papists in Ireland. *The Siege of Drogheda in Ireland. Appendix to the Siege of Drogheda. Depositions in Temple's History of the Irish Rebellion.*

* Though the faithful page of history must hand down to posterity, with a minute exactness, the villanies as well as the virtues of mankind, yet, as a particular detail of the sufferings inflicted on the poor, defenceless, innocent Protestants, is a representation too shocking to be dwelt on by a delicate humane mind, I think it necessary to give the reader an item, that the following note will impress on his imagination, images of the most horrid kind. Some thousands of English were burnt in their houses, others were stripped naked, and, in hundreds in a drove, pricked forwards with swords and spikes to river sides, and from thence pushed headlong into the stream; some were manacled and thrown into dungeons, and there left to perish at leisure; others were mangled, and left to languish in the highways; some were happy enough to suffer the milder death of hanging; other more unfortunate wretches were buried alive—this was the fate of a poor little infant, who, whilst he was putting in the grave, cried out to his dead parent, “Mammy, mammy, save me!” yet could not his innocent cry pierce the heart of the hardened wretch from whom he received his fate; some were mangled and hung upon tenter-hooks; some, with ropes round their necks, were dragged through woods, bogs, and ditches, till they died; some were hanged up by the arms, and then cut and flayed, to see how many wounds an Englishman could endure; some were ripped up, and their entrails left hanging about their heels. These kinds of cruelties were exercised on children of all ages, and many women with child suffered the same fate. Children were forced to carry their sick and aged parents to the place of slaughter; there were of these barbarians some so ingenious in their cruelty, as to tempt their prisoners, with the hopes of preserving their lives, to imbrue their hands in

Anno 1641. The persons of the English were not the only victims to the general rage: their commodious houses and magnificent buildings were either consumed with fire, or laid level with the ground. Their

the blood of their relations. Children were, in this manner, impelled to be executioners of their parents, wives of their husbands, mothers of their children; and then, when they were thus rendered accomplices in guilt, they were deprived of that life they endeavoured to purchase at so horrid a price. Children were boiled to death in cauldrons; some wretches were flayed alive; others were stoned to death; others had their eyes plucked out, their ears, nose, cheeks, and hands cut off, and thus rendered spectacles to satiate the malice of their enemies; some were buried up to the chin, and there left to perish by degrees. One Protestant minister was put into a cask lined with iron spikes, and then rolled up and down till he was dead. Parents were roasted to death before their children, and children before their parents. When any one, on the brink of mortality, desired leave to say a short prayer, the bigoted barbarians would exult over the fearful wretch, and tell him, that the agonies to be inflicted were but the beginning of infinite and eternal torments. When any of these victims, by the dread of suffering, were drawn to profess the articles of Popery, they would tell them, they were in a good faith, that they would prevent their falling from it and returning to heresy; and on this would cut their throats. If any escaped the murdering hands of these human fiends, they were hunted, baited, and worried to death by their dogs. Nor could the miserable condition of these wretches' excruciating pangs, their anguish of mind, their agony of despair, assuage that lust of cruelty which precept, bigotry, national prejudice, and the contagion of example, had kindled in the depraved nature of their brutal enemies. In the last stroke of death they expressed their malice with the following valediction, "Thy soul to the Devil!" and, at the hazard of a contagion, obstinately refused burial to their mangled bodies.—The number of those who died of the inhumanities suffered from the Irish Papists, are not thoroughly ascertained: According to the computation of the rebels, they had slain one hundred and fifty-four thousand in the province of Ulster only. *Milton's Eiconoclastes. The Siege of Drogheda in Ireland. Appendix to the Siege of Drogheda. Report of the Examinations taken before Commissioners appointed by the King's Authority. Remonstrance from Ireland.*

cattle,

cattle, though now part of the possession of their murderers, because they had belonged to abhorred heretics, were either killed outright *, or covered with wounds, turned loose into the woods and deserts, there to abide a lingering painful end †. This amazing unexpected scene of horror was yet heightened by the bitter revilings, imprecations, threats, and insults, which every where resounded in the ears of the astonished English. Their sighs, groans, shrieks, cries, and bitter lamentations, were answered with "Spare neither man, woman, nor child; the English are meat for dogs; there shall not be one drop of English blood left within the kingdom." Nor did there want the most barbarous insults and exultation, on beholding those expressions of agonizing pain which a variety of torments extorted. This was the scene which Ulster produced.

Amo 1641.
Temple's
Hist. of the
Irish Rebel-
lion, p. 167.
& seq.

In the other provinces, where they professed humanity, they committed many acts of blood and cruelty, and not only expelled the English

Idem, p. 66.
& seq.

* If they turned any of these poor beasts to use, they cut their legs and flesh off when alive, and then kept them three or four days in exquisite torment. Carte says, that many thousands of these animals, whom rapine had made their own, and which were necessary for their sustenance, they destroyed in these senseless expressions of rage. *Temple's Hist. of the Irish Rebellion*, 8vo ed. p. 197. *Carte's Life of Ormond*, vol. I. p. 177.

† The wickedness of these acts was improved by a perfidious breach of the laws of hospitality; the Irish lodging themselves the night before and feasting at the expence of those they intended to murder the next day. Charlemont, a considerable fort, was surprized in this manner by Sir Phelim O'Neale: he sent to Sir Tobias Caulfield, the governor, that he would visit him: Sir Tobias, according to the hospitable custom of the Irish, feasted him and all his train; towards the evening, the unsuspecting landlord and his whole house were seized, and almost all murdered, a few making their escape. *Borlase's Hist.* p. 13, & seq. *Carte's Life of Ormond*, p. 172, & seq.

Anno 1641.

Remon-
strance of
the disre-
spectful Protest-
ants in the
province of
Munster.
Examina-
tions taken
before the
King's com-
missioners.
Temple,
4to edition,
1724, p. 102,
& seq.

their houses, despoiled them of their goods, wasted their lands, but stripped them naked, and turned them out to the severities of a very sharp season. Among the multitudes who experienced this treatment, the greater number, through feebleness of age, or sex, or constitution, sunk under the rigor of cold and hunger; many of those who reached Dublin died of the diseases they had contracted, notwithstanding great care and application were used to recover them; others, of keen sensations, reflecting on the horror of their fate, from a state of plenty reduced to all the miseries of poverty, with the additional loss of parents, husbands, wives, and children, abandoning themselves to despair, refused all resource but death, the only relief which could be found for such multiplied calamities *. Nor was the exercise of rapine and blood confined to the lower class of rebels; men of rank not only practised these enormities, but stimulated the brutal inclinations of their followers †. The opportu-

* Such numbers of refugees died in the city of Dublin, that the church yards in the town not being sufficient to contain them, two large pieces of new ground were taken in, and set apart for this particular use. *Temple*, 8vo ed. p. 94, & seq.

† It is pretended, that the barbarities committed by the Irish sprung from the impious policy of Ever Macmahon, titular bishop of Downe, and Sir Phelim O'Neale, who finding himself successful beyond his most sanguine wishes, and having gathered together, in the space of a week, thirty thousand followers, had the foolish presumption to set himself up as king of Ulster. He, being a weak man, had no other plan of keeping his adherents attached to him, but by making them partakers in his horrid villanies, and dipping them so deep in blood and acts of cruelty, that, despairing of pardon from the English government, they should find themselves obliged from necessity to adhere to his fortunes. His scheme so far succeeded as to produce the following reflection in these ruffians: "Now, argued they, we have, without

nity they found to glut their malice has been imputed to a default in the conduct of the unhappy sufferers; who, instead of deserting their habitations, and assembling together for mutual defence, relied on the protection offered them by their supposed friends, their landlords, tenants, and neighbors, of the Irish families *, who, on the faith of the most solemn engagements, got possession of their goods, and then either murdered them themselves, or delivered them up to other destroyers. If, by a courage assumed from despair, any families stood on their defence, they were disarmed by promises of safety given under hand and seal, with the severest execrations; but, on their surrender, they experienced from the hands of the perfidious villains the same fate which had been imposed on their countrymen. In this manner was the English colony exterminated in Ulster.

Anno 1641

Temple,
8vo ed.
p. 134,
& seq.

Hume.

The Scots, from their numbers being more feared by the rebels, they affected at first to

without injury, without any kind of provocation, assaulted the English in this cruel manner, they who have nourished us in their families as their own children, and have made no difference between their countrymen and us, now that we have requited them such bitter evil for good, they will never trust us hereafter, and we must either destroy them entirely, or be destroyed by them." *Temple*, 8vo ed. p. 166. *Carte*, vol. I. p. 176.

* They were in some manner obliged to repose this kind of confidence in the Irish, from the circumstance of their not being provided with arms to defend themselves. The impious policy of Strafford had in a manner disarmed the subjects; they were forbidden to sell, or keep in their houses, either powder or arms, save only what was allowed from the King's store-house at Dublin. Powder they were obliged to buy of the King for two shillings a pound, and were not allowed to have above five pounds by them at a time.

Anno 1641. spare *, on the consideration that they were not foreigners, but, in their original, of the common stock with the Irish †. This policy did not take its intended effect; the Scots rose, to the number of five thousand, and made some head against the rebels; but these encreasing daily in strength, the Scots were in their turn attacked, murdered, obliged to take shelter in their native country, or fly to places of security, and thus leave their lands to be despoiled by the enemy ‡.

* A proclamation was issued out, that no Scotchman, on pain of death, should be molested in body, goods, or land. *Carte's Life of Ormond*, vol. I. p. 178.

† On the presumption of treaties still subsisting between the old Irish and the Scotch Highlanders, the Irish fancied the Scots so much their friends, that, even when forces landed from that country to assist the English government, they fondly believed they came in the character of friends; and on this event released some of their Scotch prisoners, with an injunction that they should act with these forces. *Appendix to the History of the Siege of Drogheda*.

‡ To take off the odium which the principles of Popery have incurred, from various crimes of perfidy and cruelty having been perpetrated by that sect, the friends and followers of the Romish faith have endeavored to deceive the credulous, the ignorant, and the idle, into an opinion that circumstances have been greatly aggravated in relation to the bloody facts which, at various times, have been charged on Papists. The Irish insurrection, a fact which, with all its circumstances of horror, has been handed down to posterity with the concurrent evidence of its cotemporary writers, and on the most authentic authorities, has, on various occasions, been attempted, by all the arts of sophistry, to be softened, and the Irish massacres have met with their advocates: but modern times alone have produced one bold enough to exculpate them entirely from guilt. Such is the design of a performance, entitled "The Trial of the Roman Catholics," and published in 1764; but surely not with the approbation of that body. I should hope, in this enlightened civilized age and country, that the Papists themselves, abhorring the atrocious deeds of their deluded ancestors, would, from principles of justice, humanity, and a spirit of proper resentment,

The saving of Dublin having preserved a place Anno 1641.

ment, rejoice to see them handed down to posterity with all the marks of infamy they so well deserve.

The author of the before-mentioned tract, after dwelling upon the antient animosities which subsisted between the English and the Irish, a circumstance which has little to do with an insurrection begun when civil contracts were formed and mutual confidence had taken place, pretends, that the severities of the English government were such, that, from the general laws of self-defence, the Irish were authorized in their act of insurgency. The severities practised by Charles on the Irish Papists, the fruits of his iniquitous desire to extend the power and property of the crown, had been equally inflicted on the Irish Protestants; and, at the very period of the insurrection, by an apparent coalition of the two parties, were in a fair way to be redressed: But an equal enjoyment of privileges was as opposite to the views of the Catholics, as the acting on principles of Liberty was opposite to their religious prejudices. The vindicator of the Irish massacres might, with much more probability, and less contradiction to his other assertions, avow, that this body thought they had so much reason to be pleased with the government, for the partial favors they had received, and the farther immunities they were promised, that the acts of violence they committed on their fellow subjects were in pure compliance to the commands of the King, and with an intention to extend rather than restrain a power from which they expected to regain splendor to their religion, at the expence of subjecting themselves to all the ignominious miseries which attend civil and religious servitude. This concession would agree with their known principles, their declarations, and the assertions of the author.

“The principles of their religion, says he, preach peace, active obedience, and passive submission, to all civil establishments under which they shall happen to live; and their conduct hath been proved invariably conformable to the said precept, from generation to generation, beyond the memory of man.” Though the truth of this assertion is evinced by the abject slavery submissively endured by Roman Catholic societies from century to century, and under which almost every state professing that religion at present languishes, yet it is an absolute contradiction to that rational principle of self-defence on which the author endeavors to ground his vindication of the insurrection of the year 1641. But what does he mean by an assertion so opposite to his plan of vindication?

surely

Anno 1641. of refuge to the English, it received within its

surely not to recommend the Roman Catholics to their fellow-subjects of the British empire: A people whose "religious principles teach them active obedience and passive submission to all civil establishments under which they shall happen to live," whether those establishments are introduced by fraud, violence, or common assent, whether calculated for general or partial good, whether tyrannical or legal, may indeed, as proper tools of iniquity, be looked on with an eye of favor by ill-designing governors, but, on this account, must be regarded with contempt, jealousy, and aversion, by a people who possess the blessings of Liberty, who know its value, who are acquainted with the equal rights of men, and understand the rational principles of government and subjection.——

Could the intention of the author, in the fore-mentioned assertion, admit of doubt, it is fully cleared by the following passage preceding it: "Speculative errors, or ignorance, says he, may, in certain cases, be more than politically innocent; they may be politically useful: Auricular confessions, purgatories, fasts, and penances, are, to the members of the church of Rome, what discipline is in the military department; they preserve Roman Catholics in the familiar use and practice of daily obedience: and this habit of respect and submission to ecclesiastical discipline is not unnaturally attended with respect and submission to the secular powers. Thus, the obedience of these people to the authority of their church is an earnest of their obedience to the authority of all states, whether Heathen or Christian, under which they live. We cannot, indeed, boast of their being sticklers for popular rights, or champions for Liberty, but we can truly affirm that they are the most loyal and amenable of all subjects under the sun."

With an intention to extenuate the guilt of the Catholics, their vindicator endeavors to shew, that they were forced into the act of rebellion by the conduct of their governors, framed for the purposes of their destruction; but he totally destroys the force of this assertion by confessing, that several discontented Irish, of English extraction, being advised of the commotions in Scotland, and of the fomenting of jealousies between the King and English parliament, looked on this as a fit season, with the assistance of foreign forces, to recover their lapsed estates, and to establish the religion of their forefathers; and, in this view, warmly, though privately, solicited aid from the several Catholic powers of Spain, France, and Italy.

The grounds on which he attempts to justify the Irish massacres from the cruelties with which they have been charged,
has

gates multitudes of those wretched supplicants; Anno 1641.

has a foundation extensive enough to vindicate the sect of Papists from every enormity they are supposed to have been guilty of; viz. That the narrative of the massacre had been handed down to posterity by Protestant, or rather Puritan, writers. This assertion is false; for the earl of Clanrickard, a Papist, Clarendon, Carte, and others of the high-church party, agree in most of the particulars which he pretends to deny. But granting it to be true, may not the reality of the massacre of St. Bartholomew, on the same pretension, viz. that staunch Protestants alone had handed it down to posterity, with all its horrid circumstances, be with equal reason denied?

Not to mention the puerile advantages he takes in framing those arguments he pretends to combat, this author, after establishing the fore-mentioned principle of justification, grounds great matter of triumph in the inaccuracies which are to be met with in lord Clarendon's account of the massacre. Surely any opponent but serjeant Statute would on this particular have not only observed, that this circumstance had little to do with the argument, viz. the realities of the massacres said to be committed by the Irish, but that a regular-consistent account of the progress of the insurrection and massacre is to be found in the letters transmitted from the lords justices to the parliament and state of England; and that with this account agree the earl of Clanrickard, Sir John Temple, Carte, and all the writers of note who have treated of that insurrection.

It is next pretended, on the authority of a calculation made, and an opinion given, by Sir William Petty, secretary to Ireton in his capacity of lieutenant of Ireland, that the number of Protestants massacred in the first year of the rebellion did not amount to the number mentioned by the historians of those times, and confessed by the massacrist themselves. Sir William Petty's observation is confined to the English sufferers: now, of the British settlers the English were by much the least part, and the Scots, in their turn, experienced from the cruelty of the Catholics a fate equally severe: these, it must be supposed, were comprized in the confession of the murderers, and in the account of the writers cotemporary to these times. But granting that the number of Protestants murdered in the first year of the rebellion was much inferior to what has been generally imagined, such a circumstance has little weight, either in justification of the principles of a religion which instigated that bloody massacre, or its perpetrators; since it is certain, that almost all who fell

Anno 1641. and there not being at this time above three

fell into their hands, in the first stages of that rebellion, either were killed outright by the rebels, or died of the cruelties they suffered from them; and if any did escape it was a very few, from whose service they intended to reap advantage; such as Bedel bishop of Kilmore, or others, whom they were obliged to deliver up, for prisoners of consequence of their own party taken by the state. And so equally tainted were all the Irish Catholics with the spirit of cruelty, that the English of the Pale, after they entered into rebellion, were as highly guilty in this particular as the mere Irish.

But of all the trivial circumstances with which the author of the Trial of the Roman Catholics has availed himself in defence of the Irish massacres, there is none in which he so highly exults as the following; viz. That the minds of the Protestants, to whom fancy still represented the shocking scenes they had beheld, were perplexed with delusive visions of the ghosts of their brethren, wandering about from place to place, and crying for revenge. The guilty Papists were equally haunted with these visions as were the distressed Protestants. It was, in that superstitious age, a very natural consequence of the bloody transaction; but is by no means of force sufficient to destroy the legal evidence of depositions taken upon oath, on matters of a nature on which the deponents were not liable to deception: its standing upon record, among the other matters of evidence, sufficiently evinces the sincerity of those appointed by authority to take the depositions; whom the author very freely, without bringing the slightest proof against, brands with the highest infamy.

Though I have no design to enter into any discussion on the principles of Popery, yet I cannot help observing, on a quaintness of the fore-mentioned author. "The good principles of a church, says he, are not necessarily attended by conformable practices; and consequently the evil principles of a church are not necessarily productive of the evil practices of its members." This is saying very little in favor of Popery or its professors; since, though such is that aptness to vice in mankind that right principles in religion will not sufficiently restrain it, it will naturally be more predominant in those whose consciences are directed by evil principles in religion; unless we can suppose, that evil actions in men do not proceed from irregular appetites, but from a perverse inclination to act contrary to their conviction of right.

Notwith-

thousand troops in the whole kingdom *, some Anno 1641.

Notwithstanding the great pains which have been taken by this author, the Irish massacres, cannot I think to an unprejudiced mind, stand exculpated from a charge founded on the concurrence of the cotemporary writers of all parties, on the depositions of witnesses taken upon oath, and their own confession *; and this on such trifling circumstances as their vindicator has alledged in their defence, enforced by an observation, that, during the regency of Cromwell, no one would dare to print or publish a syllable in favor of Papists. This is not true; because Cromwell, to promote his ambitious views, declared himself the protector of, and in their turns actually favored, the followers of every church, not excepting the Papists †; many of whom paid him the highest incense of flattery. But granting no such thing could be attempted during the time of Cromwell's usurpation, what prevented the Irish Papists from clearing themselves of such gross imputations in the life of their patron Charles I. who was regarded as a party in the insurrection, whose character was involved in their conduct, to whose court and presence many of their leaders resorted, and conversed freely with his ministers and followers? But we find no traces of any such attempt; not even in Clarendon, who, from his attachment to the court and episcopacy, on the consideration that they avowedly abetted the interests of both, was inclined to favor the Irish rebels. He had the opportunity of conversing daily with their chiefs, and of learning from them every particular which favored their cause; though the author is pleased to assert, that he relates his facts from rumor, and from cotemporary historians, deeply interested in blackening and suppressing the Irish Papists.

* The standing army in Ireland was usually two thousand men. Charles, to support the tyranny of Strafford's administration, had raised them to five thousand; but the parliament of England, not chusing to trust him with more of those dangerous implements than they deemed necessary to preserve the English government in Ireland, obliged him to reduce them to fourteen troops of horse, amounting to nine hundred and forty-three, and forty-one companies, making two thousand two hundred and ninety-seven foot; a much inferior force than this having in James's time kept the peace of that country.

* Temple, 4to ed. p. 227.

† Harris's Life of Cromwell, ed. 1762, p. 44, & seq.

Anno 1641.

of the most vigorous of these fugitives, with others, in all to the number of four thousand, were immediately enlisted; and bodies of the army, which were not surrounded by the rebels, were summoned to defend the town. There were in the castle at this time fifteen hundred barrels of gunpowder, match and bullet proportionable, arms for ten thousand men, and thirty-five pieces of artillery. This military store, provided by Strafford to arm Irish Papists in support of tyranny, providentially turned out the means to preserve the cause of Freedom, and the Protestant interest in Ireland. Such a plenitude of Liberty, and so full a possession of Property, did the inhabitants of this country enjoy, at the very time when this insurrection broke out, that there was very little or no money in the royal treasury*. This was remedied by the care of the officers of state, who representing to the people their necessities, the castle was soon victualled with provisions to maintain the army for many months. Commissions were sent by the justices for the raising the Scots in the Northern parts. Sir Charles Coote, a zealous Protestant, was made governor of the city of Dublin, and the castle

* When what is called the state (viz. the governing power of a nation, in contradistinction to the governed) is rich, when governors appear in a plenitude of pomp to be supported by the wealth of individuals, this is a certain symptom that that nation is not free; that the people want one of the essential privileges which constitute Freedom; viz. so secure a possession of Property that it cannot be taken from them on any pretext, but by their assent; which it must be supposed, would never be gained but on occasions of their own immediate protection and advantage, since it is inconsistent with the affections of men to despoil themselves of what they esteem the greatest good, for the particular immunities and enjoyments of others.

was put under the care of Sir Francis Wil-
loughby, an old-experienced soldier. Six hun-
dred men were sent to the relief of Drogheda,
a place of importance, then besieged by the
Irish: the design being betrayed by the Eng-
lish of the Pale *, who wished well to the re-
bellion; though they had not yet declared
themselves, the convoy, which consisted of new-
raised and unexperienced men, were suddenly at-
tacked by the enemy, and defeated. This vic-
tory helped to supply the rebels with arms;
and that reputation which attends success en-
creased the number of their followers to so for-
midable an extent, that the justices laid aside
all thoughts of acting offensively, and applied
their whole attention to providing for the secu-
rity of the capital.

When the news of this rebellion reached the
parliament of England †, it was immediately re-
solved in the lower house, that a conference
should be desired of the Lords on the following
articles: That fifty thousand pounds be borrow-
ed of the city of London ‡; that a committee
of both houses be appointed to consider of the

Conduct of
the English
Parliament.

Journals of
Commons,
vol. II. p.
300.

* One of lord Gormonstone's grooms, by command from
his master, went to Slaine, where the rebel army was lodged,
and called them out of their beds to encounter the English
forces. *Temple*, 4to ed. p. 136. *Borlase*, p. 37, & seq.

† The Commons first received the news of the Irish re-
bellion from several of the chief officers of state, members
of the house of Peers, and lords of the privy-council. After
these had desired leave of admittance in the usual form, the
house ordered chairs to be set for them: they entered into
the house uncovered, nor did they attempt to put on their
hats till after themselves and the Commons were seated; af-
ter which both the Commons and the Lords remained co-
vered. *Rushworth*, vol. IV. p. 398.

‡ The city of London was to have eight *per cent.* for the
loan, and the security of an act of parliament. *Rushworth*,
vol. IV. p. 411.

affairs

Anno 1641. affairs of Ireland; and that this committee may have power to open all packets going to and coming from that kingdom. It was farther resolved, that Owen O'Connolly, who discovered the treason, should have a gift of five hundred pounds, and two hundred a-year pension; that the custody of the Isle of Wight should be sequestered in other hands*; that the persons of Papists of quality should be secured, and that such English Papists having within one year last past removed themselves to Ireland, not having an antient estate or habitation there, should be commanded by proclamation to return, and, if not obeyed, some course should be taken by act of parliament for confiscation of their estates; that the Lords should be desired to join concerning the dissolution of the capuchins, and the speedy sending them away; that the ambassadors may be sent to, to deliver up such priests of the King's subjects as are lodged in their houses; that a list should be brought in of the queen's priests, and other her servants; that a proclamation should be issued commanding all strangers who are not of the Protestant religion to deliver in tickets of their names, and an account of their stay, otherwise to depart the kingdom; that all innkeepers, and others who entertain lodgers, should be commanded to give in tickets of the names of all such lodgers in their houses to the lord-mayor and aldermen of London, or to the next justice of the peace in Middlesex. The house of Commons farther ordered, that the oaths of allegiance and supremacy should be tendered to the Irish, and such other suspected recusants as were students at the inns of court;

Rushworth,
vol. IV. p.
405.
Parl. Hist.
vol. X.
p. 26.

* The earl of Portland, a suspected Papist, had at this time the government of the Isle of Wight.

and

and that such Irishmen as endeavored to pass ^{Anno 1641.} into Ireland without notice should be stopped, examined, and the oath of allegiance tendered to them; that no Irishman should pass out of any parts of this kingdom to return to Ireland without special licence from the committee of both ^{Nalson, vol. II. p. 621, & seq.} houses for Irish affairs, or the lords of the privy-council, or the lord-lieutenant of Ireland; that no arms, munition, or powder, should be transported without such a licence; and that, on the lord-lieutenant's certifying to the justices of Ireland the names of suspected persons, and the grounds of the suspicion, the said justices and the rest of the council should enter into examination of the parties, and should have power to commit them to prison till the truth was discovered; that the servants belonging to the King, queen, prince, or any of the King's children, should, according to law, take the oaths of supremacy and allegiance. The earl of Leicester*, who had been lately appointed lord-lieutenant of Ireland, was directed to write to the justices to encourage them in their duty towards the defence of that kingdom, with assurances of a speedy assistance. These were the resolutions which passed in the parliament of England on the first item of the Irish insurrection†.

When Charles received intelligence of the rebellion, he immediately communicated it to

* This earl of Leicester was grandson of Sir Henry Sidney, who, at different times, had been eleven years governor of Ireland.

† Before any of those circumstances of horror which attended it were known; the lords justices' letter, being dated two days after the rebellion commenced, speaks only of a common insurrection, and a design to surprize the castle of Dublin. *Nalson*, vol. II. p. 514, & seq.

Anno 1641. the Scots, who dispatched a small body of men to support their own colony in Ulster, and appointed a committee to treat with the English parliament on the terms in which they should engage farther in the Irish war. Unfortunately for the king, the zeal which he shewed in this business was entirely prevented from having its intended effect by the declaration of the rebels, who called themselves the Queen's Army, and not only gave out that they had their party both in England and Scotland, that their reason for taking up arms was to vindicate royal prerogative invaded by a puritanical parliament, that they had authority from the King and queen, but even shewed a commission under the great seal of Scotland, in which they were directed to seize on the forts and strong places in Ireland, and arrest the goods, estates, and persons, of the English Protestants to the King's use, lest, as the commission expressed, the Protestant party should carry things as violently against him in that kingdom as they did in England*. It is

Examina-
tion of Aud-
ley Mervin.

Mystery of
Iniquity,
ed. 1643.

* The Irish committee returned to Ireland the same month the King went to Scotland. There had been many and frequent conferences between them and the King and queen, but particularly with the latter; whom they flattered with hopes that they could easily seize into their hands the government of Ireland, and then they would assist the King to chastise the hot spirits of Westminster. In these conferences the plot of the insurrection is supposed to have been formed. On the return of the Irish committee, they left the lord Dillon behind them, who was sent by the queen into Scotland. At this time, it is said, the King was prevailed on to permit the commission to be signed with the broad seal of this kingdom, that deposit not being yet settled in the hands of a proper officer, but entrusted with the King's confidants; sometimes with the marquis of Hamilton, sometimes with Endymion Porter, the King's domestic, and sometimes with one John Hamilton, a fiery prelatist.

It

easily to be imagined, that a rebellion attended Anno 1641

It is to be remarked, that the Irish at first exactly complied with the words of the commission, contenting themselves with seizing on the forts and strong places in Ireland, and arresting the estates, goods, and persons of the English. Bedel bishop of Kilmore, a prelate who had insinuated himself much into the good graces of Strafford, the late lord-lieutenant of Ireland, was so great a favorite with the Popish party, that he was not only suffered to live quietly in his own house, whilst those of the rest of the Protestants were in flames, but treated with great respect till his death, which happened in a few weeks after the commencement of the insurrection. This bishop drew up for the rebels, inhabitants of the county of Cavan, a remonstrance, in which it is inserted, that the Irish Roman Catholics, for the preservation of his majesty's honor and their own liberties, thought fit to take into their hands, for his highness's use and service, such forts and other places of strength as, coming into the possession of others, might prove disadvantageous, and tend to the utter undoing of the kingdom. The manifesto of the Ulster rebels complained of the general oppressions suffered by the Roman Catholics from subordinate governors, but professed an immutable and pure allegiance to the King and his successors; they acknowledge to have enjoyed some liberty of religion out of the affluence of his princely goodness; but the parliament of England, maligning and envying those graces, were wresting his prerogative out of his hand; seeing him thus oppressed by disloyal subjects, they had taken up arms for the regaining his prerogative (the essence and life of monarchy), and had seized upon the strong forts of the kingdom, to be enabled to serve his majesty, and defend themselves from the tyrannous resolutions of his enemies; they were ready to yield up the places they had taken when his majesty should command them, and should take a course for securing them and the Protestants of the kingdom against factious and seditious Puritans. The rebels of the county of Longford took the oaths of allegiance to the King, and sent a declaration to the council-board, wherein they demanded a general act of oblivion, without restitution of goods taken in the commotion, and, besides many privileges to the mere Irish, an entire repeal of the penal laws against Papists: these to be confirmed by parliament. *Burnet's Life of Bedel Bishop of Kilmore. Carte's Life of Ormond*, vol. I. p. 182, & seq. *Burnet's Hist. of His Own Times*, vol. I. p. 41. *Mystery of Iniquity*, p. 87, & seq.

Anno 1641. with such enormous circumstances, declared to have been undertaken by the King's authority*,

* I should neither do justice to the memory of this unhappy prince, nor to my own character as a faithful historian, if I did not state the arguments which appear on both sides, for and against the opinion of his being concerned in the Irish insurrection. Those in favor of the King cannot be better stated than they have been already by the very ingenious Mr. Hume: I shall therefore transcribe his arguments, and annex such observations as the subject is capable of.

Argument. Ought the affirmation of perfidious infamous rebels to have passed for any authority?

Observation. From whom else could such an evidence be obtained? if the testimony of accomplices in guilt were not to be accepted, few crimes could be proved.

Argument. Nobody can tell us what the words of the pretended commission were: that which we find in Rushworth and in Milton's works, Toland's edition, is plainly an imposture, because it pretends to be dated in October 1641, yet mentions facts which happened not till some months after. It appears that the Irish rebels, observing some inconsistency in their first forgery, were obliged to forge this commission anew, yet could not render it coherent nor probable.

Observation. That the commission was boasted of and shewn by the rebels, at the very beginning of the insurrection*, is evidenced by a proclamation set forth by authority on the thirtieth of October 1641, seven days after the insurrection commenced.—It is not likely, that both Sir Phelim O'Neale, the supposed author of the forgery, and his accomplices, should be such egregious blunderers as to fail in two attempts of so easy a nature as were those of making such a forgery coherent; and though the pretended copies of the commission now extant do mention facts which happened some months after the date, this is no argument that the original commission, boasted of by Sir Phelim O'Neale, at the beginning of the insurrection, contained any incoherences at all. The words of the original commission not being known, proves very little in favor of the King, since that such a commission was boasted of so early as the seventh of October is evidenced by the fore-mentioned proclamation; and the original commission being suppressed

* Rushworth, vol. IV. p. 401.

with the concurrence of, and under promise of Anno 1641
 assistance from the whole papistical body, ope-

by the rebels themselves, is a presumption that they thought it would prove too much against the King, whose character they soon found it necessary, for their own preservation, to support.

Argument. Nothing could more obviously be pernicious to the King's cause than the Irish rebellion, because it increased his necessities, and rendered him still more dependant on the parliament, who had before sufficiently shewn on what terms they would assist him.

Observation. The Irish rebellion did turn out to be very pernicious to the King's affairs, but this happened from cross accidents in the execution, and from the indiscretion of the rebels, circumstances which could not appear in the plan of the insurrection. The plan, as themselves declared, was no less than that of reducing all the Protestants in Ireland, of transporting a large army into England, and by the force of arms to establish the free exercise of Popery in that kingdom*. This project was not a chimerical one; had the castle of Dublin not been saved by the timely discovery of the plot, had the rebels possessed themselves of the arms and ammunition therein lodged, they would have found no resistance in that country, and might with great ease, after the slaughter of all the Protestants, have transported a numerous army into England. That this army, when united to the large body of English Papists, and others, who, like themselves, were champions for the royal prerogative, would have had power to establish, by force of arms, the King's authority and the queen's religion, might have been the conceit of no mean politician. The King's project of rendering himself despotic, at the very period when it was in a manner effected, had been entirely defeated by a Scotch invasion; and as this invasion, with the concurrence of the staunch Protestants in England, had acted so powerfully against him, he might be desirous to try what an invasion of Irish Papists, with the concurrence of the English Papists, and his other partizans, might act for him. But had the plan of the insurrection not been so fully effected as the design of it promised, yet the Irish rebellion would have been an incident very much in favor of the King, had it not been for the premature declaration of the rebels. It would have enabled him, under the pretence of vindicating his legal authority and defending his Protestant subjects, to have exerted that prerogative which

* Temple's History of the Irish Rebellion, 8vo ed. p. 132.

Anno 1641. rated with great power on the Protestants, rousing all that latent terror and aversion which the

was supposed to be yet in the crown, viz. to levy an army, and take on himself the whole conduct of the war. With the opportunity this would have given him to treat with the rebels on terms favorable to their purposes and his own, terms which he then would have had power to effect; with the opportunities this would have given him, had things come to extremities, of uniting himself, with all his train of followers, to the rebel army; this rebellion might have procured him many fair chances to have effected those schemes of power, the execution of which the Scotch invasion had for some time postponed. Nor can it be objected, that Protestants would not have co-operated with Papists against Protestants, and against the security of their own religion: the contrary is evidenced by the conduct of the marquis of Ormond, and other Protestants in Ireland, who actually joined the rebel army; the contrary is evidenced by the conduct of that party which yet adhered to the King in England, who not only shewed themselves ready to cut the throats of their Protestant brethren, but to join with these professed enemies to their religion in a cause so sacred as the right divine of despotism in princes. That the King was deprived of the advantages this rebellion promised, was entirely owing to the indiscretion of the rebels themselves, who blabbed out that which, till things came to maturity, ought to have been an inviolable secret, viz. that the King was no enemy to their schemes, nor was it their intention to act against his power and government, but merely against those his Protestant subjects, who wished, for their own preservation, to curtail his power. This indiscretion of the rebels, which disappointed such ends by giving the parliament a pretence to take on themselves the management of the Irish war, is lamented in the following remarkable manner by Charles's great partizan, the earl of Clarendon*. "They foolishly, says he, deprived themselves of that protection and mercy which his majesty would willingly have vouchsafed them for their reduction and preservation."

Argument. The instant the King heard of the rebellion, which was a very few days after its commencement, he wrote to the parliament, and gave over to them the management of the war. Had he built any projects on that rebellion, would he not have waited some little time to see how they

* Clarendon's Vindication of James Duke of Ormond, 8vo ed. 1756, p. 17.

would

past conduct of this sect had impressed on their minds. It was natural for the people to look on

Anno 1641.

would succeed? Would he presently have adopted a measure so obviously hurtful to his authority?

Observation. The King did recommend to the parliament the care of Ireland very soon after the rebellion commenced; but this was not till he found himself accused of being the chief promoter of this rebellion, attended with circumstances which rendered execrable every individual concerned in it; it was not till after the parliament by their committee had given him shrewd hints that they believed the accusation. The King in these circumstances, to exculpate himself from so foul a suspicion, was obliged to recommend the care of Ireland to the parliament; which, it is plain by his after-conduct, he did not mean in so large a sense, nor so trenching on his authority, as the parliament found it necessary and useful to interpret it in. He made many attempts to procure to himself the management of the war, attempts which were rendered abortive by the confidence the public had in the parliament, and by the suspicions they had entertained of the King, and not by the virtue of his declaration, that he recommended to the parliament the care of Ireland; a declaration he might on many pretences have retracted had not the accusation of being principally concerned in the insurrection entirely deprived him of the confidence of his people.

Argument. What can be imagined to be the King's projects? to raise the Irish to arms, I suppose, and bring them over to England for his assistance. But is it not plain that the King never intended to raise war in England? had that been his intention, would he have rendered the parliament perpetual? does it not appear by the whole train of events, that the parliament forced him into a war?

Observation. It is to be imagined, that the King would have been glad of aid from the Irish, or from any body of men who would have assisted him to have subdued the parliament: witness his fruitless treaty with the English army*, witness his attempts to bribe the Scots, witness his letters to the king of Denmark, in which he complains of the parliament, and desires assistance. The King had tried various ways, but without success, to raise an opposition to the parliament. The act of continuing the parliament was, together with the bill of Strafford's attainder, extorted from him by the united voice, or rather clamor, of the people, on the discovery of the attempts to bring the army against the parliament. It

* Mystery of Iniquity, p. 22.

ANNO 1641. the authority and power of the parliament to be their only safeguard from the terror of Popish

does not appear, that the King was in a capacity to levy war at this time ; it was not till after this period, when the death of Strafford had assuaged the envy of individuals, that he could unite to himself a sufficient number of partizans to entertain any thoughts of attempting hostilities. The King looked on his supposed prerogative to be so sacred a thing, that any encroachment on it was a sufficient incentive to war ; the whole conduct of this parliament, from the beginning to the end, was consequently regarded by the King, as forcing him into a war, which war he certainly would have entered on sooner, had his situation been adequate to such an undertaking.

Argument. The King conveyed to the justices intelligence which ought to have prevented the rebellion.

Observation. The letter here referred to speaks of intelligence from abroad, as if a rebellion was expected in Ireland ; its date, being on the sixteenth of March 1640, shews it to have been written in the very heat of Strafford's prosecution, at a time when neither the King nor the Irish committee were at leisure to think of conspiracies. It was after this period the cabal is supposed to have commenced between the King and the committee.

Argument. The Irish Catholics, in all their future transactions with the King, where they endeavor to excuse their insurrection, never had the assurance to plead his commission : even among themselves they dropped that pretext. It appears that Sir Phelim O'Neale chiefly, and he only at first, promoted that imposture.

Observation. The Irish Catholics soon found the disadvantages they had incurred from pleading the King's commission ; that by throwing so foul a stain on his reputation, they had disabled him from affording them that assistance and protection he was otherwise well inclined to do : this is a good reason both for their not pleading the commission in their public transactions with the King, and for dropping the pretext among themselves. Had they found that supposed forgery to be necessary or convenient for their affairs, it would have been very easy for them to have supported it on the same authority on which it was at first broached ; viz. the great seal of Scotland. It could not be conscience which made these people retract the falsehood ; for through the whole course of the rebellion they never shewed the least kind of repentance for all the rapacious, bloody, violent deeds

plots and conspiracies ; it was natural for them Anno 1641.
to determine that a rebellion, so grateful as this

deeds they had committed ; sins of a much deeper dye even than such an imposture. Indeed the King looked upon this as well as the cruel butchery of the Protestants, as offences of so trivial a nature, that, by the cessation in 1643, he saved these assassins, both of his character and his people, from the resentment of those they had injured ; and afterwards united himself to them by a firm peace. Sir Phelim O'Neale, whose character was as deficient in sense as humanity, was the first man who boasted of this commission ; a better politician would have been silent. But he is not the only one who asserted, that the plan of the insurrection was transmitted from England * : Macmahon, one of the conspirators, who was to have surprized the castle of Dublin, confessed, that “ the original of the rebellion was brought to them out of England by the Irish committee employed to his majesty for the redress of grievances.”

Argument. O'Neale, himself confessed the imposture at his trial and execution.

Observation. Allowing this confession to be true, such a retraction is not much to be depended on. Sir Phelim O'Neale must have been guilty of a falsehood either in the assertion or in the denial ; and though the evidence of a dying person is in general of great weight, yet, as the excellent Algernon Sydney ingeniously observes † on the behaviour of the five priests who suffered for the Popish plot, the Papists, by arts formerly unknown to mankind, have found ways of reconciling falsehood in the utmost degree with the hopes of salvation, and at the best have no more to brag of than that they have made men die with lies in their mouths. This observation, which experience shews to have been grounded on fact, is a two-edged weapon against Sir Phelim's evidence. Is it to be supposed, that a person so weak and so wicked as was Sir Phelim O'Neale, guilty of those execrable barbarities which were perpetrated on the Protestants in Ireland, guilty of such robberies, rapine, and spoil, as were committed in that country by his express orders and for his advantage, guilty of many manifest breaches of trust and violation of oaths and treaties ; is it to be supposed that such a man could be subject to the delicate feelings and nice compunctions of honour ? that a man

* Rushworth, vol. V. p. 309.

† Sydney's Discourses on Government, 4to ed. 1763.

Anno 1641. was supposed to be to the prevailing faction at court, would not be suppressed by a war con-

who had inflicted on the living injuries of the most atrocious nature, should, at his own cost, from mere motives of justice, exculpate the injured memory of the dead? It is to be imagined, that a man of Sir Phelim O'Neale's character would, on the tremendous occasion of an execution, give up his spiritual concerns entirely to the management of priests, and that the balsam of priest-craft was the only salve for so sore a conscience. It must be observed, that the cause of the Stewarts was at this time particularly the cause of the Papists; the expectation of this body being entirely confined to the restoration of that family to the monarchy of England.

Argument. It is ridiculous to mention the justification which Charles II. gave to the marquis of Antrim, as if he had acted by his father's commission. Antrim had no hand in the first rebellion and massacre; he joined not the rebels till two years after, and he performed important services to the King in sending over a body of men to Montrose.

Observation. Antrim * was in open rebellion in less than two years after its commencement, as appears by the declaration of the Lords and Commons, dated July 1643. He is in that declaration called a notorious rebel, taken and imprisoned by the Scotch army in Ulster. Borlase, in his History of the Irish Insurrection, observes, that the marquis of Antrim, from the beginning, had passionately served the confederate Catholics in their most intimate concerns. Antrim was of a very mean understanding, yet exceedingly given to projects and undertakings: He had so much credit at court, that on his proposing, in 1638, under pretence of claim to part of the earl of Argyll's possessions, to invade his territories, Charles wrote over to Wentworth to furnish him with arms and other military stores †; and though Wentworth represented to the King, that he neither hoped much from his parts, his power, or his affections, and that he durst not communicate his demands to the council, for he was sure they never would advise such a strength to be entrusted with the grandchild of the earl of Tyrone, yet Charles insisted on Wentworth's encouraging, countenancing, and assisting Antrim in his undertaking; and, though he was a Papist, to find some way to furnish him with arms. Upon the receipt of the King's command, Antrim

* Harris's Life of Charles, 8vo ed. 1758.

† Harris, p. 341, & seq.

ducted by that faction, and that the parliament was the only power to whom, with safety to the

Anno 1641.

raised the Irish clans, the O'Neales, the O'Haras, the O'Lurgans, the Macgeniffes, the Macguires, the Macmahons, the Macdonnells, O's and Macs in such numbers, Wentworth wrote, as would startle a whole council-board, and required them, in the king's name, to meet him with their forces; so that the business became the common discourse of the whole kingdom. It must be owned, that Charles II's justification of this man, who had been engaged in many murders and villanies, is very extraordinary*. "Besides the letters and orders under the King's own hand, writes he to the marquis of Ormond, there is sufficient evidence of several private messages and directions sent from our royal father, and our royal mother, with the privy and with the directions of the king our father, by which the referees are persuaded, that whatever intelligence, correspondence, or actings, the said marquis had with the confederate Irish Catholics, was directed or allowed by the said letters, instructions, and directions: and that it manifestly appears to them, that the King our father was well pleased with what the marquis did, and approved the same. We cannot in justice but, upon the petition of the marquis of Antrim, and after the serious and strict inquisition into his actions, declare unto you, that we do find him innocent from any malice or rebellious purpose against the crown; and that what he did by way of correspondence or compliance with the Irish rebels, was in order to the service of our royal father, and warranted by his instructions, and the trust reposed in him; and that the benefit thereof accrued to the service of the crown, and not to the particular advantage and credit of the marquis." Clarendon, who, during the whole course of the civil wars, had entered into all the court intrigues, and managed the King's affairs, was nettled at this slur on his own reputation, and would have rejected Antrim's petition to examine the warrants he had acted on, saying, it was a high indignity to the memory of the late King; and that if any person had pretended to affirm such a thing at Oxford, he would either have been severely punished, or the King would have had a thin court. The earl of Northumberland, one of the committee of council appointed to examine the warrant Antrim had acted on, refused to sign a report in his favor; and said, he was sorry he had produced such war-

* Burnet's History of his Own Times, vol. I. p. 40, & seq.

Anno 1641. cause of religion and Liberty, it could be committed. Such being the affections and such the

rants; but he did not believe any warrant from the King or queen could justify so much bloodshed. Northumberland's example was followed by the rest of the committee; and the King was obliged to write the forementioned letter to the duke of Ormond, telling him, that Antrim had so fully vindicated himself, that he must get him included in the act of indemnity.

The following *Argument* may be urged in favor of the King; viz. Supposing he did excite the Irish to arms, would he have exposed himself to a discovery by granting them a commission to rise, under the great seal of Scotland?

Observation. The Irish might have refused to engage in the undertaking without such a token of the King's approbation. Charles was himself of an enterprising genius; and it is to be remembered, that though he greatly affected arbitrary power over his people, he paid an implicit obedience to the will of his wife, a woman who was the very quintessence of intrigue, and whose pride and bigotry had been greatly provoked by the power and conduct of the parliament. From the violence of her disposition it is to be supposed, that she would have engaged her husband to run any risk rather than render abortive a design which promised fair both to invest her with arbitrary power, and to re-establish in Great Britain the holy religion. That Charles was capable of being guilty of imprudences of this nature, his treaty with the army to oppose the parliament, to which he signed his name in token of his approbation of such an attempt, is a proof.

It must be owned that the question, Whether Charles was or was not guilty of granting a commission to the rebels to rise, is involved in great doubts and difficulties. This parliament, the most august assembly which history can boast, in their vote for No more addresses (in which, for the manifold crimes Charles had committed against his people, they absolve them from any farther allegiance) gives it clearly against him. Milton, an author of the most respectable character, both in regard to judgment and integrity, is of the same opinion: as is also the author of the *Mystery of Iniquity*, a sensible and ingenious tract, published in the year 1643; with other writers of note and reputation. On the other side, many authors of judgment and candor, on various grounds, exculpate him from this accusation. The author of this History leaves it entirely to the candor of the reader,

opinion of the public, on an expression falling from the King, that he committed the care of Ireland to the English parliament *, that assembly, affecting to interpret it in an unlimited sense, assumed the entire management of the war †, Anno 1641.

reader, without presuming to give any judgment on so tender and difficult a point.

The nature of the above argument obliged the author, contrary to her custom, to mention three facts before their regular succession; viz. The declaration of the parliament for No more addressees, Sir Phelim O'Neale's execution, and Charles II's justification of the marquis of Ormond.

* The parliament gave instructions to their committee to inform the King, that they looked upon the conspiracy in Ireland to be the effect of the same counsels which had so long distracted England and Scotland; that if persons of such aims should still continue in credit and authority, the great aids which they would be forced to draw from the people for subduing the rebellion would be employed for the fomenting it, and encouraging the like attempts in England; that if his majesty would not condescend to their petition of employing such counsels and ministry as should be approved of by parliament, they should be obliged, in discharge of their trust, to resolve upon some way of defending Ireland, as should concur to the securing themselves from the mischievous counsels and designs which had lately been, and still were, in practice and agitation against them. The English parliament paid all that deference to the authority of the parliament of Scotland which they expected should be paid to them: They advised the King, that one regiment, consisting of a thousand men, should be immediately transported into the northern parts of Ireland: but this was to be done by the counsel and authority of his parliament in Scotland, to be provided in a manner, and commanded, as should seem best to their great wisdom and experience. *Rushworth*, vol. IV. p. 423, & seq.

† As the rebels, by an unprecedented piece of indiscretion, had thought fit to plead the King's commission for the enormities they had committed, he was obliged passively to submit to what undoubtedly he thought an usurpation; lest opposition should render him suspected of favoring the progress of the rebellion.

Clarendon, as is elsewhere shewn, laments the inconveniences both the King and the rebels incurred from this piece of

Anno 1641. and at once disarmed the crown of that part of the executive power which, on this occasion, had been universally apprehended.

Temple,
4to ed.
1724, p.
155, & seq.

Fresh intelligence coming from Ireland of the exceeding spreading of that rebellion, with the cruelties in which it was every where signalized, the house of Commons came to the following resolutions: That two hundred thousand pounds be forthwith raised for the present occasions of Ireland: That a convenient number of ships be supplied for guarding its coasts: That six thousand horse and two thousand foot be raised for a present expedition into Ireland *: That magazines of victuals be forthwith provided at West-Chester, to be sent over to Dublin as the occasion of that

Journals of
Commons,
vol. II. p.
304.

of indiscretion, in a very remarkable manner, and says, "That report raised by the Irish Catholics, of the King's being a party in the insurrection, obliged him to commit the whole management of the war to his two houses of parliament; who, if any thing was proposed of over-much rigor, if the King made any scruple or pause in giving his consent to the same, they straight declared, they were obstructed in sending relief to Ireland; and published some particular relations of the lamentable and inhuman massacre made there by the Irish, which were confirmed by multitudes of miserable undone people who landed from thence in several places of England, who reported the rebels discourses of executing all by the King's directions; so that indeed it was not in his power to deny what they thought fit to say was necessary for the good work." *Clarendon's Vindication of Ormond*, p. 16, & seq.

* A report was brought in from the committee of Irish affairs, that the pay of a regiment of one thousand foot, together with the officers, would amount to nineteen thousand two hundred and one pounds *per annum*; six hundred horse to thirty-seven thousand three hundred and ten pounds; and the general officers of the field to nineteen thousand five hundred and forty one pounds. It was ordered by the Commons, that the protestation should be taken by all officers and commanders, before they were employed in the service of Ireland. *Nelson*, vol. II. p. 642, 652.

kingdom

kingdom shall require: That the magazines of arms, &c. now in Carlisle, shall be forthwith sent over*: That the earl of Newport, master of the ordnance, shall have power to send his commands, and issue forth warrants for the bringing up the magazine of arms and ammunition, remaining now in Kingston upon Hull, unto the Tower of London, for the securing the kingdom: That directions shall be given for the drawing a bill for the pressing of men for the Irish service†.

Anno 1641.

Nelson,
vol. II. p.
643.

The King having, at the expence of many of his prerogatives, endeavored to gain at least a neutrality from the Scots, in the contest likely to ensue between him and his English subjects, put an end to their parliament; and, taking a kind farewell of his countrymen, returned to

The King
returns to
England.

* Letters arrived from Ireland, dated the twenty-fifth of November, in which the justices gave thanks to the parliament for their care in sending over provisions and money. The same letters intimated, that the rebellion grew every day more general; that the rebels were come within four miles of Dublin; that they acknowledged the King for their sovereign; and, by the mouth of the lord Dillon, viscount Costilough, had sent in some high demands concerning the repeal of the penal laws against recusants, and farther immunities respecting the Irish. *Rushworth*, vol. IV.

† The dispatches from the justices, which brought this intelligence, were dated the fifth of November. In their letter to the council they represented the great progress the rebellion had in a few days made, and the outrages the rebels had committed on the British inhabitants in Ulster; that they had seized upon all their estates and houses in five counties of that province, detained many of the principal gentlemen prisoners, and had already slain many most barbarously; that the rebellion began to diffuse itself in other counties; that they conceived there could be no less than thirty thousand who had already declared themselves in the rebellion; and that they understood their design was, having got Dundalk, to take in Drogheda, and so to come up immediately to besiege the castle of Dublin. *Rushworth*, vol. IV.

London.

Anno 1641. London*. His entrance into this city was on the twenty-fifth of November. By the indefatigable pains and intrigues of Sir Richard Gurnay, the lord-mayor, a bigoted royalist, he was received and feasted with great ostentation of public joy; nor was there wanting any kind of expence, parade, and pageantry, to render the compliment perfectly agreeable†.

His public
entrance.

He deprives
the parlia-
ment of
their guard.
Parl. Hist.
vol. X.

P. 51, & seq.

Charles was so elevated by these demonstrations of affection, which he thought to be general and sincere, that he at once re-assumed his former haughty conduct; and the first step he took after his return was to dismiss the guard which the parliament had appointed for their security‡. Sir William Balfour, who had been

* On the return of the commissioners from Scotland, they were thanked by their respective houses for having faithfully discharged the trust which had been reposed in them. *Nelson*, vol. II. p. 674.

† The queen had taken a great deal of pains that the King should be received with a more than ordinary magnificence, on purpose to mortify the parliament. It served to raise the spirits of the King's party, who bragged loudly that the city was weary of the parliament, and would be ready to join with the King against them.—The King, in answer to a pompous speech of the recorder, makes the following self-flattering observation: "That he now sees the inclinations of the better and main part of the city had been ever loyal and affectionate to his person and government; and that the tumults and discords had only risen from the meaner sort of people."—The kind of demonstrations of applause which the King met with, are commonly extorted from the sottish multitude by a variety of state tricks; therefore are not true standards to judge of the real affections of the public towards their governors. It is to be observed, that the King, with an intent to cajole the city, told them, that he gave them back that part of Londonderry which had been formerly evicted from them. This was a pretty extraordinary present; since the house of Commons, by condemning the judgment as illegal which passed that eviction, had repossessed them. Vol. III. of this History, p. 19.

‡ On the parliament's expostulating with the King on this dismissal he sent them word, that it was his royal pleasure

faithful to the trust reposed in him by parliament, ^{Anno 1641.}
 was deprived of his office of lieutenant of the ^{Ludlow,}
^{p. 3.}

sure the guard should be dissolved; his presence would protect them; he knew they had no cause to fear; but he was so tender of their safety, that, to secure them not only from real but imaginary dangers, he would command the earl of Dorset to appoint some of the trained-bands for a few days only, to wait on both houses. The house of Commons passed an order, That the guards the King appointed should be dismissed, and that the constable of Westminster should appoint a strong and sufficient watch in their stead. They gave the following reasons for their fears; viz. The numbers of suspicious disorderly persons, especially Irish, lurking about London; the plot in Scotland against the lives of three members of parliament, spoken of here before it happened there, with an intimation that the like was intended against divers members of both houses here; the former plot against the English parliament; the conspiracy and massacre in Ireland, conducted with such secrecy, that, but for the providential discovery at Dublin, it had been executed in one day throughout the kingdom, and some of the chief conspirators have confessed that the like was intended in England and Scotland; several advices from abroad of designs against religion, and the parliaments of Scotland and England; the secret meetings, consultations, and devotions of Papists, for the success of some great design in hand; from divers examinations taken of their dangerous speeches, they did conceive there was just cause to apprehend some wicked and mischievous practice to interrupt the peaceable proceedings of parliament still in hand; but rather than admit of so dangerous a precedent as to have a guard appointed them under the command of any person themselves should not choose, they would run any hazard; but they left it to his majesty to consider, whether it would not be fit to suffer his high court of parliament to enjoy that privilege of providing for their own safety, which was never denied inferior courts.

Some little time before the King's return from Scotland, one Beale, a taylor, informed the house of Commons, that, walking in the fields, he had over-heard certain persons discouraging of a dangerous conspiracy; that one hundred and eight ruffians were hired to murder one hundred and eight of the Puritan members of both houses of parliament; and that when the city of London should be in an uproar on this assassination, which was appointed to be perpetrated on the eighteenth of November, there were to be risings of Papists in six several parts of the land, viz. in Warwickshire,

Anno 1641. Tower; and one Lunsford, a soldier of fortune of a profligate character, put in his place*.

Worcestershire, Lancashire, and two other places, which he remembered not; that he had heard one Philips, Mr. Sheldon (a Papist), and two priests, father Jones and father Andrews, mentioned as being concerned in the plot. This information being sent to the Lords, orders were issued for seizing the persons of Jones and Andrews, and other seminary priests and Jesuits; that Mr. Sheldon and his son should be taken into safe custody; and that the deputy-lieutenants of Worcester, &c. should have a charge to secure the said counties. An ordinance passed both houses for putting the kingdom immediately into a posture of defence, and that the earl of Essex should command the trained-bands on the South side, and the earl of Holland on the North side, the Trent. The Commons desired the Lords to join with them in the nominating particular men of trust to take care of the militia, and that the persons of recusants should be secured: It was some time before the Lords agreed to this article, and then with some restrictions, that it should only take place on those who were the most active and exceptionable of that body. The Commons passed an order, That all Papists should leave the town, under pain of being proceeded against according to law: the same directions were sent to the mayor of Berwick. Lord Strange, the lord-lieutenant of Lancashire, confirmed the suspicions of the public by writing word, that there was great need to look after Lancashire. It is not to be supposed, but that the popular party in both houses made a politic use of these rumors, and that their fears were not so strong as they pretended; but that the parliament was totally void of suspicions, is, I think, as improbable. The votes which passed on these occasions were pretty unanimous; and when the apprehensions of men are alarmed with real dangers, every slight appearance has its effect. *Nelson*, vol. II. p. 646, & seq. 654, 688.

* He was a person of great licence, and only known by some desperate acts, for which he had formerly been imprisoned, and, having made his escape, fled the kingdom. One of these desperate acts was an attempt to murder Sir Thomas Pelham. On being challenged for an affront he had given to one captain Buller, he refused to give him the satisfaction he demanded, but sent him word he would cut his throat. *Clarendon's History*, vol. I. p. 262. *Nelson*, vol. II. p. 774.

The

The seals were taken from Sir Henry Vane *; Anno 1641. and a proclamation was issued for obedience to the laws for establishing the true religion in England †. Falkland, Culpepper, Hyde, Caple, and other distinguished members of the lower house, who had hitherto concealed their change of sentiments with great industry, made no scruple to avow their apostacy from the popular cause; and not only declaimed against the proceedings of its leaders, but sided with the court in every question. The house of Lords had lately been very refractory: they had given the Commons no satisfaction on the exclusion-bill, nor yet in their demand for sequestering the sixteen impeached bishops; and had made some objections to the bill for pressing soldiers for the Irish service ‡.

* The king had before deprived him of the office of treasurer of the household, and conferred it on the lord Saville. Saville had been promised the presidentship of the North, if that commission had not been declared illegal. *Clarendon*, vol. I. p. 255.

† By the True Religion was meant all those ceremonies which the Commons had by ordinance forbidden, and a conformity to the present form of divine worship, though it was repugnant to the consciences of the greater number of the people, and had been acknowledged to need alteration, by a committee of bishops and other divines, who had been appointed by the house of Lords to consider on the matter. *Nelson*, vol. II. p. 765.

‡ Differences had gone so far between the two houses, that, in a conference on the fore-mentioned subjects, the Lords were given to understand, that if they would not consent to the passing the bill the Commons had already sent up, and some others necessary for the safety and preservation of the kingdom, that the Commons (being the representative body of the whole kingdom, and their lordships being but as particular persons, and coming to parliament in a particular capacity) might join with those Lords who were sensible of the public danger, and represent the same unto his majesty.

Anno 1641.

These circumstances irritated, but did not intimidate the leaders of the opposition. They knew the strength of their popularity, and were determined to make an appeal to the people.

Parl. Hist.

vol. X.

p. 60. & seq.

A remonstrance was accordingly drawn up*: It contained the state of the kingdom, and the grievances it had suffered from the ill government of the King †, and from a malignant and

* Clarendon says, that a committee had been appointed to prepare a general remonstrance of the state of the nation, and the particular grievances it had sustained on the first meeting of the parliament; but it scarce met, and was never spoken of till the re-meeting of the parliament, after the plot in Scotland, when Mr. Strode moved, that that committee might be revived. Hacket, in his *Life of Bishop Williams*, says, That the remonstrance was moulded in Mr. Pym's house; that Williams (who had corrupted Pym's servant, who had been sent to him concerning his cause in the Star-Chamber, which was intended to be exhibited among other irregularities) had gotten certain intelligence of the design of the party, and had persuaded the king not to go among the Scots, who he knew, he said, would reveal to their friends in England all the King told them, but to stay at home, and endeavor to corrupt the members of the English parliament man by man. *Clar. Hist.* vol. I. p. 239. *Hacket's Life of Williams*, fol. ed. part II. p. 163.

† Among the long list of grievances, the Commons complain, that many families had been ruined by excessive fees for composition of wardships; that undue proceedings had been used in finding of offices to make the jury find for the King; that commissions had been granted for examining the excess of fees, and, when great exactions had been discovered, compositions had been made with delinquents, not only for the time past, but likewise for immunity and security for the time to come; that merchants had been prohibited to unlade their goods in such parts as were for their own advantage, and forced to bring them to those places which were most for the advantages of monopolizers and projectors; that large quantities of ground had been taken from the subject by color of the statute of improvement, and by abuse of the commission of sewers; and that the conversion of arable into pasture, and the continuance of pasture, had, under the name of depopulation, drawn many millions out of the subjects' purses. They complain, that, notwithstanding the

the

pernicious design of subverting the fundamental laws and principles of government, which had

Anno 1641.

the large sums which had been drawn from the subjects by the illegal enhancement of the rates on tonnage and poundage, and the imposition of ship-money, on pretence of guarding the coasts, yet the merchants had been left so naked to the rapine of the Turkish pirates, that many great ships of value had been taken, and thousands of his majesty's subjects carried into miserable slavery. Under the article in which the Commons mention the privilege of parliament broken by the imprisonment of its members, they assert, that one of them (meaning Sir John Elliot) died by the cruelty and harshness of his confinement, which would admit of no relaxation, notwithstanding the imminent danger of his life did sufficiently appear by the declaration of his physicians; that judges had been put out of their places for refusing to act against their oaths; that lawyers had been checked for being faithful to their clients; and that solicitors and attornies had been threatened, and some punished, for following lawful suits. They complain, that the King had taken away the arms of the trained-bands of divers counties. They complain of the king's engrossing all the gunpowder, keeping it in the Tower of London, and setting so high a price upon it that the poorer sort were not able to buy it, nor could any of the subjects have it without licence; so that not only an unlawful advantage was made of the commodity, but several parts of the kingdom were left without a necessary defence. They complain of the general destruction of the King's timber sold to Papists, especially in the Forest of Dean, the best storehouse in the kingdom for the maintenance of its shipping. They complain of the taking away people's property, under color of the King's title to land between high and low water mark. In that part of the remonstrance which mentions the power and intrigues of the Papists, with the encouragement they had received from court, it is asserted, that commissions had been secretly given to men of that profession for levying soldiers, to be employed according to private instructions. The Commons make no scruple to say in this remonstrance, that the declarations which had been published to asperse their proceedings, on their dissolution, were untrue and scandalous.

It is observable, that Rushworth has omitted the conclusion of this famous remonstrance. *Vide a Remonstrance of the State of the Kingdome, published by Authority. Printed, London, for Joseph Hunscutt, 1641, 4to. p. 53.*

Anno 1641. taken place from the beginning of his reign : it represented the advantage the people had received from the operations of this parliament : it complained of the bad counsels which the King still followed : it complained of the cabals and wicked intrigues of Papists, and other malignants : it insinuated, that these cabals and evil counsels had been productive of the Irish rebellion ; and that England would have been the prologue to this tragedy had not former designs been discovered and prevented : it complained, that the malignant party, which had been at first suppressed by the vigor and authority of this parliament, were now reviving, to the distraction of public affairs, and to the obstruction of those good designs which the Commons had in view for the advantage of the commonwealth. The Commons justify themselves from those aspersions which the malignant party had flung on their proceedings ; shew that there are no hopes of establishing things on a right footing, whilst bishops and recusant lords were so prevalent in the upper house ; and conclude the remonstrance with a detail of the courses they thought necessary to be pursued for perfecting the work of reformation, and removing all impediment to the happiness and peace of the kingdom.

Among these are some farther restraints upon Papists, “ Seeing their religion, says the remonstrance, has such principles as do necessarily tend to the destruction and extirpation of all Protestants.” That the King should employ such counsellors and ministers as the parliament could confide in ; that counsellors of state should be sworn to observe the laws which concern the subject in his liberty ; that good courses should be taken to perfect the union of the two
king-

kingdoms of England and Scotland, and to labor, by offices of friendship, to unite all the foreign churches to Great Britain, that, by a mutual concurrence to the same common end, the good of the whole body of the Protestant profession might be secured. In this remonstrance the Commons declare, that their intention is not to set up an independancy in matters of religion: they profess, that they intend to reduce that pomp and power which the prelates had assumed, contrary to the word of God and the laws of the land; that they intend to unburthen consciences of superstitious ceremonies, suppress innovations, and take away the monuments of idolatry: they own that the King is to be entrusted with the ecclesiastical law, as well as with the temporal, but then he was to regulate the discipline of the church of England by such rule of order as was established by parliament; to effect this establishment, they profess, that they desire the assistance of a general synod of the most pious and learned divines, both of this island and of foreign parts *. The court faction, and those inclining to that scale, were at this time so strong, even in the lower house, that it was not without great difficulty that this remonstrance passed. The leaders of the popular interest looked on it

Clarendon's
Hist. vol. I.
p. 245,
& seq.

* The Commons speak very plainly their intention of erecting a new form of church discipline. It is not to be supposed, that they would have been so explicit on this important subject in an appeal to the people, if they had not been assured that an alteration in this point was agreeable to the general sense of the nation. This fact alone, without the evidence of petitions presented in the names of whole counties and of all ranks of men, is a plain contradiction to those authors who have represented that this desire of alteration in church matters was confined to a minor faction in the nation, supported by a majority in the lower house of parliament.

Anno 1641.

Journals of
Commons.

as the touchstone of the strength of each party, and spared neither argument, entreaty, nor artful management, to procure success. It was at length obtained, with great difficulty, the debate lasting from nine in the morning till twelve at night †, and the question only carried by a majority of a hundred and fifty-nine, against a hundred and forty-eight ‡.

† Rushworth says, from three in the afternoon till three in the morning. Sir Philip Warwick, who was engaged in the debate, says that it was three o'clock in the morning when the remonstrance passed. Whitlock differs from the three authorities, and says that the debate lasted from three o'clock in the afternoon till ten the next morning. *Whitlock*, p. 49. *Warwick's Memoirs*, 4to ed. p. 202.

‡ This remonstrance was looked on by the opposers of the court to be absolutely necessary to their farther curtailing the power of the crown; and the farther curtailing the power of the crown they looked on as essential to the preservation of those privileges the public had already obtained. Indeed, this circumstance was so obvious to common reason, that the party did not expect to meet with the difficulty they found in gaining their point. On the remonstrance being called for late in the day, the lord Falkland, at this time a zealous courtier, moved, that it should be entered on the next morning. Oliver Cromwell, as staunch in court opposition, asked, "Why he would have it put off? for it would be quickly determined." "Sure, answered Falkland, it will take up some debate." To this Cromwell replied, "That he believed it would be a sorry one." The next day, when the debate was over, Cromwell told Falkland, "That he would take his word another time. If, added he, the remonstrance had been rejected, I would immediately have sold all I have; and I know there are many more honest men of the same resolution." Sir Edward Deering, a man of a vain and variable disposition, who had been first flattered by the puritanical party in parliament into being an active agent against episcopacy, on some disgust, was now shrunk back into his original orthodoxy in civil and religious politics, and made two violent speeches against the remonstrance. *Clarendon's History*, vol. I. p. 246, & seq. *Nelson*, vol. II. p. 664, & seq.

The question for the printing it, put by Mr. Hamden, was in all probability gained by the impetuosity of Mr. Hyde, who, contrary to the customs and order of the house, desired leave to protest against it. Mr. Hyde's example excited Jeffery Palmer and others to cry out in a tumultuous manner, "They did protest." This not only put a stop to all quiet and free debate, but might have occasioned bloodshed, had not the calm sagacious Mr. Hamden put an end to the dispute by proposing to adjourn till two o'clock the next afternoon. On the re-meeting, Mr. Pym represented the disorders of the preceding day, the house having been nearly engaged in blood, the consequence, as he alledged, of Mr. Hyde's transgression. The rhetoric of a Pym was not necessary to convince the house that much mischief would result from such a precedent, if permitted to go unpunished. Mr. Palmer was committed to the Tower*; and the house being incensed at the growing insolence of the declared partizans of the court, the question for printing the remonstrance passed with little opposition. It was strongly attacked by the King's party, as a signal that the Commons intended farther encroachments on royal prerogative, and that nothing less than a total abolition of monarchical power would satisfy that aspiring body. These insinuations had little effect on the minds of the people, or were more than balanced by a review of the King's illegal violent administration. That apparent combination of prelati- cal, papistical, and monarchical interest, which had made such bold attempts to pluck up by the root every

Warwick's
Memoirs,
P. 202.

* Mr. Hyde was saved from this sentence by the interest of the northern members, to whom he had ingratiated himself by his speech against the court of York,

principle

Anno 1641. principle of Liberty which yet remained in the constitution, had entered into so many conspiracies against the authority of parliament*, and now dealt forth unparalleled destruction in Ireland, were, to the public, objects of a much more terrible nature than the apprehensions of idle selfish courtiers, and bigoted formalists. They remembered with what perfidy, with what violation of every thing which was sacred, the Petition of Right had been invaded, and were determined, even at the hazard of impairing a government from which themselves and their ancestors had received nothing but injuries, to secure their newly-acquired privileges from future attacks of the crown.

Commons' petition, and remonstrance of the state of the kingdom. Rushworth, vol. IV. p. 437.

The remonstrance of the Commons was presented to the King with a petition which openly insinuated his concurrence in the Irish rebellion, complained of those bad counsels which had occasioned such variety of mischiefs, and demanded, as a security from farther evils, that bishops, who had long acted as corrupt instruments of despotism and Popery, should be deprived of their votes in parliament, the immoderate power they had usurped over the clergy abridged, and that every office of command should be alone trusted to persons on whom the parliament could confide. The King's answer to this petition was in vague and general terms: After blaming the Commons for publishing it, contrary to his express intimation, and censuring their declaration as an unparliamentary proceeding, he tells them, that he does not know what they mean by a wicked and malignant party prevalent in the government†; he

* At this time the guardian of popular privileges.

† Notwithstanding the particular facts mentioned in the remonstrance to prove this assertion.

had

had ever concurred with all the just desires of his people to preserve the peace and safety of the kingdom from the designs of the Popish party*. Anno 1641. Though the remonstrance did not accuse the King of being a Papist in his heart, yet he takes a great deal of pains to clear himself on this particular, and insinuates, that, since he is convinced of the purity of the Protestant religion, it is not possible he should encourage the Popish faith†. He asserts, that the bishops' right of voting in parliament is grounded on the fundamental law of the kingdom; that the power of the clergy is well moderated by taking away the High-commission court; he is contented to call a national synod to examine such ceremonies as give just offence‡; but as for corruption in religion, which they had objected, he is persuaded that there cannot be found on earth that church which professed the true religion with more purity of doctrine than the church of England. After an high panegyric on the beauty of its discipline and doctrine, he declares, he will, to the end of his life, maintain it in its glory, not only against all invasions of Popery, but also from the irreverence of those many schismatics and separatists wherewith the kingdom abounded. To that part of the Commons' petition concerning counsellors,

* On this assertion of the King's Rapin justly observes, that it was true he had never rejected the petitions presented to him on this occasion; but then it was no less true, that his promises in this respect had never been executed. *Rapin*, vol. XI. p. 261.

† Notwithstanding, as Rapin observes, his conduct had shewn that this consequence did not necessarily follow. *Rapin*, vol. XI. p. 267.

‡ The King knew that the Commons would never agree to a national synod on his terms; viz. the including in it the bishops and their adherents.

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Anno 1641. the King asserts, that it is his undoubted prerogative to call those to his secret counsels, to public employments, and his particular services, as he should think fit; and tells them, that he has never elected any to these offices but what had given good testimonies of their abilities and integrity *. The answer to the remonstrance was as vague as this answer to the petition, as little calculated to give satisfaction to the Commons on the articles of their demands, and as totally deficient in point of justifying the King's conduct. It finishes with a promise to observe and maintain the established laws; but in the same general terms which the King had before frequently used, and to which he had always given what sense he thought proper †.

Whilst these disputes subsisted between the King and the house of Commons, the affairs of Ireland grew every day more desperate. The succor which the Scots had offered for subduing this rebellion had not, on prudential reasons, been immediately accepted by the English house of Commons: they had received good intelligence from their committee in that kingdom, that if they agreed to the providing for an effectual number of men to be raised in Scotland, the King would have insisted on the commanding them himself; a circumstance of the most dangerous

* The King, in order to pay his wife a compliment, very improperly insinuates the efficacy of her mediation in the exercise of this important part of the royal office

† Mr. Hyde, afterwards earl of Clarendon, tells us, in the History of his Life, "That he was the author of this answer to the remonstrance of the state of the kingdom; and that this performance, together with his constant opposition to all proposals of altering, or reforming the church-government, were the particulars which recommended him to the King's favor." *Clarendon's Life*, vol. 1. p. 85, & seq.

kind.

kind. This apprehension being removed on the return of the King, the Commons voted, that ten thousand Scots should be sent into Ireland, on condition that they would condescend to be commanded by the government of England settled in Ireland. It was resolved, that ten thousand foot and two thousand horse should be raised in England for the same service, It was some time before this resolution was carried into practice, the house of Lords having refused their assent to a preamble in the bill for pressing men for the particular service of Ireland, declaratory of the subjects' privileges; viz. "That the King had in no case, excepting that of invasion from a foreign power, authority to press men into his service." This assertion abolished that noxious prerogative which the crown had assumed of obliging men to perform any task of pretended public service which should be imposed on them; a prerogative which, in this reign, had been used as a punishment to refractory members of parliament, and to all ranks of men who had refused to comply with the King's illegal commands, to the great detriment of their fortune and health. Notwithstanding that such a limitation of regal authority was necessary to the security and free enjoyment of person, time, and property, yet the Peers, who had shewn lately some symptoms of distrust and jealousy, were very obstinate on this article; besides the whole bench of bishops, who were always a dead weight on the side of prerogative, the greater number of temporal lords began to apprehend that that noble spirit of Liberty which flamed in the lower house, and from thence diffused itself through the whole nation, might in its consequences affect their particular privileges; and, as the nature,
use,

Anno 1641. use, and operations of government began to be pretty generally understood, that the Commons would, in their researches on this subject, discover this important truth, "That invidious distinctions and privileges are so far from being instrumental to the authority of laws, or the order, regularity, and decency of society, that they must necessarily act contrary to these purposes *." To the baseness of a selfish consideration did the nobility sacrifice the principles of reason, justice, and honor; and all, except a few, who, sailing with the full tide of popular favor, were transported beyond the current of their natural affection, inclined to take shelter under the tyranny of the crown, from the dreaded invasion of democracy. Nor did the bleeding persecuted state of the Irish Protestants, nor the insolent pretensions of the Papists, who demanded a full toleration of their religion in Ireland †, prevail with them to pass the pressing acts for raising land and sea forces. In vain did the Commons protest, that the loss of Ireland must be imputed to the Lords; the Lords continued

* The just Freedoms of society depend not so much on the lenity of the laws, as the entire and equal subjection to the authority of the law; a thing much impeded by every political distinction and privilege which is partial: as the Freedom of society is materially affected by it, so is the regularity, order, and decency of it. The spirit of licentiousness must ever prevail in those communities where part of its members can, by their authority, protect others in the commission of crimes, or evade, in their own persons, the censure of the law.

† On the parliament being informed, that the Irish rebels had presented a remonstrance for peace, the terms of which were, to have the free exercise of their religion, and a repeal of all laws to the contrary, both houses resolved, that they never would give consent to such a toleration of the Popish religion in Ireland, or any other his majesty's dominions. *Parl. Hist.* vol. X. p. 96.

inflexible:

inflexible: and the Commons, finding that no arguments could prevail, ordered their committee on the Irish affairs to meet no more*. This disagreement occasioned a fatal pause in the military preparations. It was at length composed by the interposition of the King; who, apprehending that the Lords would give way to the extreme urgency of the occasion, came to the house, and taking notice of the bill then depending, offered to pass it with a *sa'vo jure* for the King and people; at the same time testifying his displeasure at those who began a dispute which, he said, concerned his antient and undoubted prerogative. This unconstitutional measure acted like magic on the counsels of the upper house: the popular lords did not fail to enlarge themselves on the subject; the assembly, prejudiced as it was, took fire at so manifest a violation of their rights, and voted,

* The Lords were so desirous to get the Commons to give up the clause, they excepted against in the pressing acts, that though the distresses of the Irish Protestants called for immediate assistance, they would not, for some time, give their assent that ten thousand Scots should be sent into that country, unless the Commons would agree to the sending over English forces at the same time; though the council of Ireland had only desired the assistance of ten thousand Scots, and one hundred thousand pounds. Thus they hoped that the desire of relieving the extreme miseries of Ireland would compel the Commons to recede from a point on which the Liberties of the subject, throughout the whole British empire, depended. Two petitions were presented to the Lords on this subject: One from several Irishmen of property then residing at London, setting forth the destruction which was likely to fall on the Irish Protestants, unless relieved; and that ten thousand men out of Scotland, whose assistance was within three hours, would afford a powerful aid: another from several merchants who had large property in Ireland, complaining of the unreasonable delay which had been given to the affairs of that kingdom. *Nelson*, vol. II. p. 769, & seq. 776, & seq. *Parl. Hist.* vol. X. p. 41, 119.

that

Anno 1641. that their privileges were broken by the King's taking notice of the bill whilst in agitation, by his propounding a provisional clause before it was presented to him, and by his expressing his displeasure against persons for matters moved in parliament. The same votes passing with the Commons, both houses united in a declaration vindicatory of their privileges; at the same time petitioning the King, that he would declare the authors of the mis-information and evil counsel, that they might receive condign punishment. The King excused himself from having been guilty of any designed breach of privilege, but utterly refused the naming any person who had given him information or counsel on the subject *.

* Clarendon tells us, that St. John the solicitor-general, to betray the King into committing an irregularity, which he knew would offend the Lords, and effect a reconciliation between the two houses, advised him to take this step. Clarendon's assertions are, for the most part, made with much more confidence than judgment. To blacken the men he hates, he debases the character of the King, the professed hero of his tale, and makes him ever the dupe to the poorest-laid schemes of his enemies. Had this been the case, it is not likely that Charles would have so strenuously denied the naming the person from whom he received such counsel: he would have been glad of so favorable an opportunity to have lessened the credit of St. John with the popular party; or at least to have shewn the parliament, that, in the matter they so much cavilled at, he was guided by the advice of the man in whose knowledge of the constitution, and in whose integrity, they had an high opinion: thus the tables might have been turned, and St. John and his party made the dupes, instead of Charles. If Charles himself had not had sense enough to make the best of so favorable an opportunity, it is odd that Clarendon, who was at this time one of his principal advisers, and who pretends to know the whole intrigue, should not have given him proper counsel. It is to be remarked, that Clarendon, with as improbable a foundation, accuses lord Say of the same act of treachery. *Clarendon's Hist.* vol. I. p. 258.

Not-

Notwithstanding the harmony which seemed to subsist between the two houses, the public affairs continued yet in an unsettled turbulent state. The pressing act had not yet passed the upper house; the important business of Ireland consequently stood still. Nothing was determined in the grand point of ecclesiastical policy; bishops, the supposed obstacles to both civil and religious reformation, yet maintained their seats in parliament. The public were continually harrassed and alarmed with the fears of Popish plots and conspiracies. Lunsford, that profligate soldier of fortune, was yet, in spite of the endeavors of the lower house, continued in the command of the Tower; and, upon some examinations which passed at this time, the Commons voted, "That there was sufficient evidence to believe there had been a second attempt to bring up the army against the parliament, and an intention to make the Scotch army stand neuter." On this examination, Daniel O'Neale being voted guilty of high-treason*, was impeached by the Commons, and committed to prison by the Lords. Sir John Berkley, Sir Hugh Pollard, Ashburnham, and Wilmot, were voted guilty of misprision of treason†. A fast was at this time resolved on‡. It was ordered, that a declaration

*Journals of
Commons,
vol. I. p. 318.
333, 337.*

* On the examination of Daniel O'Neale before the Lords, he pleaded the act of oblivion. His plea was not allowed; and a resolution passed on this occasion, "That it belonged to the house of Peers to interpret acts of parliament in time of parliament, in any cause which should be brought before them." *Nelson*, vol. II. p. 625.

† It was resolved by the Commons, that Mr. Jermyn, Mr. Piercy, and Sir John Suckling, should be impeached of high-treason. *Id.* p. 754.

‡ Marshal and Calamy, two favorite ministers, having, by the desire of the Commons, preached on this occasion, they were each of them presented with a piece of plate worth

Anno 1641. should be drawn up, for clearing his majesty's honor from false reports cast upon him by the rebels in Ireland; and a provision to be made that there should be no conclusion of that war to the prejudice of this kingdom †. Fresh addresses were made to the King for putting the laws against Papists in execution; conferences were held on the subject of securing their persons ‡; and it was proposed by the Commons, that a stop should be put to the toleration of so dangerous a superstition. In the midst of that just indignation which at this time was excited against these sectaries, the King solicited the consent of parliament in reprieving seven priests, who had been convicted and condemned by due course of law. Both houses being exasperated with a letter they had just received from Ireland, containing a particular account of the cruelties which had been committed in that kingdom, and were still carrying on, by the authority and influence of priests, joined in a petition to the King, that he would suffer the criminals to be executed*.

twenty pounds. Days were appointed for gathering collections towards the relief of those English who had been stripped and spoiled by the Irish rebels: to these contributions Sir John Packer gave one hundred pounds. Some time after this it was ordained, by the desire of both houses, that a monthly fast should be observed during the troubles of Ireland. *Nelson*, vol. II. p. 660, 775, 795.

† The Commons at the same time proposed to the Lords, to join in a petition to the queen, That, for the preventing all scandalous reports and apprehensions, she would publish a declaration, that she did abhor and detest the perfidious and traiterous proceedings of the rebels in Ireland. *Nelson*, vol. II. p. 737.

‡ The Commons were desirous of getting rid of the votes of the Popish lords; but the Peers were too tenacious of their privileges to indulge them in this point.

* The parliament, endeavoring to give life to a law which seems to have been enacted for the prevention of the spread-

With this request the King did not think fit to Anno 1641.

spreading a religion fatal in its nature to civil community, the just laws of government, and the rational principles of social compact, has been very severely censured by several writers, who have condemned the penal laws for keeping these pernicious sectaries from invading the civil and religious rights of their fellow-citizens; and have thrown sharp reflections on the parliaments of James and Charles, for rigidly insisting on their execution. To vindicate these magnanimous assemblies, who so nobly asserted and established the rights of Englishmen, from the accusation of cruelty and persecution, it will be necessary to notice, that the reformed church, from its earliest infancy, suffered a series of unmitigated persecutions from the church of Rome; who, unable to convince by argument, had recourse to the forcible persuasives of secular punishments. In England, as in many other countries, Truth, prevailing over the terrors of the stake and gibbet, made a slow, yet gradual, progress; and, notwithstanding the persecution of Wickliff, and the cruel execution of his followers, in the reign of Henry V. Henry VIII. when the interest of his pleasures made it convenient for him to disclaim the papal power, found the sect of dissenters numerous enough to enable him to settle the church of England on an independant footing. Protestantism, thus countenanced by authority, made great advances, and, in the reign of that sensible, learned, and pious young monarch Edward VI. the religion of the country was established on the principles of the Reformation. The Protestants not sufficiently attentive to their safety, on the death of this prince suffered the government to devolve into the hands of his sister Mary, a furious zealot for the Popish superstition: Bloody were the annals of this reign; the ecclesiastical authority of the pope was restored, the Catholics were reinstated in the administration, and the short-lived triumph of the Protestants was succeeded by a severe and merciless persecution. On the death of this princess, power again changed hands: the Protestants were invested with authority, under the influence of a Protestant successor. In this sunshine of their fortune, instead of retaliating the injuries they had received, they contented themselves with enacting some useful laws for preventing the growth of a religion from whose uncharitable tenets they had experienced such cruelties. The laws enacted in queen Elizabeth's reign against recusants were of this kind: The law against Jesuits and seminary priests, and against the bringing-in or putting in execution of bulls, writings, or instruments, or other superstitious things,

Anno 1641. comply ; but offered to banish them, if the parliament would give their consent *.

things, from the see of Rome ; and the law for restraining Popish recusants to some certain places of abode, were found necessary to prevent evils arising from the intriguing dangerous spirit of the Papists, which continually broke out in plots and conspiracies. The mischief intended to be perpetrated on both houses of parliament, in the third year of king James, gave birth to two other laws of the same sort ; viz. The act for the better discovery and suppressing Popish recusants ; and the act for preventing dangers which may grow by Popish recusants. Many of the penal statutes, which were merely designed to prevent the venom of Popery, by the little arts of ministers acting on the ignorance of the times, were drawn up in terms so general and comprehensive, that they included all kinds of dissenters, and added a large share of arbitrary power to the crown.—The tenets of the Romish religion, being suited to the purposes of tyranny, have ever made this sect the favorites of monarchs : had they not declared a personal enmity to Elizabeth, they would undoubtedly have found in this arbitrary princess a protectress ; they were so avowedly the favorites of James and Charles, that, while all those who did not conform to the religion which was countenanced by authority were persecuted with rigor, the Papists were not only permitted an indulgence which in a manner amounted to a toleration, but many of them were entrusted with offices, whilst the remembrance of their cruel administration under the government of Mary was yet fresh in the minds of the Protestants. The marriage of king Charles with a Popish princess confirmed the fears of the latter and the hopes of the former ; and from this hour the King's pretensions to an arbitrary temporal dominion, and the pope's to an ecclesiastical one, seem to have gone hand in hand : nor had the Papists the moderation or the prudence to disguise the connection they had with the King ; they in a manner openly avowed the illegal favors they received, and their designs to assist the government to render itself absolute. Under these provocations and dangerous apprehensions, the parliament proceeded with the utmost justice and moderation, contenting themselves with requesting the King, in general terms, to put those penal laws, enacted for the preservation of the Protestant religion, into execution. Even when they were in the meridian of their power, they gave way to the reprieve of Goodman, the priest ; nor, when the bloody insurrection in Ireland had produced another

Every thing which could excite passion, and fix ^{Anno 1641.} attention, actually subsisted at this critical juncture.

The fears of men were alarmed, their expectations raised, and the pulse of the public beat high for a full enjoyment of Liberty: the mechanic neglected his art, the apprentice his employment; shops were left empty; and even the women, laying aside their domestic cares, engaged with the men in political intrigues: a rage for reformation seized the whole community; the generous ardor burnt in every honest breast; and all but the sensual, the superstitious, the depend-

ther instance to shew that the toleration of that religion and the safety of civil society were incompatible, did they so strenuously insist on the execution of the law against Jesuits and seminary priests as to bring any one of this order to punishment. These priests, who occasioned the present dispute between the King and the parliament, were not executed, as some authors have alledged, but banished. *Parl. Hist.* vol. X. p. 98.

* Some time after, the King communicated a letter to the parliament, which secretary Nicholas had received from Venice, wherein it was said, that the pope was much incensed against the parliament's proceedings against Romish priests and recusants; and that he would send an army into Ireland, if the parliament did not discharge those seven priests whom the King had reprieved. This ridiculous menace occasioned the parliament again to petition the King to put the sentence against these men in execution. At the same time the Commons voted, that the Capuchin friars at Somerset-house should be immediately seized and brought before them. The French ambassador, under whose immediate care they at this time were, excused himself from obeying the order, on pretence, that, as the Capuchins were sent into England on articles of treaty between the two crowns, he could not do it without the permission of the King his master, or the express command of the King and queen of England; but offered to keep them safe prisoners at Somerset-house, and that no mass should be said in the chapel. The house rested satisfied with this excuse, and accepted the ambassador's offer. *Rapin*, vol. XI. p. 27. *Journals of the Commons*, vol. II. p. 464.

anno 1641. ant, and those whose interest was immediately concerned with the errors of the present establishment, lent their assistance toward the throwing down the fabricks, and plucking up the foundations, of tyranny. Such being the disposition of the public, the popular leaders had recourse to the spirit without doors, to get the better of the opposition they found within. Several common-council-men, and others of good repute in the city, in a petition which set forth their fears on the occasion of colonel Lunsford's having the command of the Tower, entreated the Commons to take such means as should secure the city and kingdom against farther mischiefs *. The Commons conferred with the Lords; the Lords refusing to join in an address for the removal of Lunsford, the Commons, after voting that they held colonel Lunsford unfit to be lieutenant of the Tower of London, as he was a person in whom the Commons of England could not confide, set forth a declaration, protesting their innocence of the mischiefs likely to ensue †; and asserting, that the malignant party were not only encouraged by the success of the rebels in Ireland, but likewise by the interruptions which the public business received in the house of Peers, occasioned by the number of bishops and Papists, notoriously disaffected to the public good, who

Nelson,
vol. II.
p. 780.
Journals of
Commons,
vol. II. p.
356.

* Vicars, in his Parliamentary Chronicle, says, that men of the best note and quality in the city, both for piety and ability, went with this petition to the parliament-house, with an equipage of fifty or sixty coaches. *Parl. Chron.*

† The Commons alledged, they had already found ill consequences from Lunsford's being lieutenant of the Tower: Merchants had already withdrawn their bullion from the Mint; and strangers, whose ships had brought in great store, did forbear to bring it there. *Nelson*, vol. II. p. 778.

had

had voices in that assembly. This declaration being read in the upper house, it was moved and carried, that the debates on it should be adjourned. On this the popular lords, to the number of twenty-one, entered their protest; and the Commons ordered the earl of Newport, the then supposed constable of the Tower, to reside in the place, and take on himself its custody and guard. The earl of Newport sent them word, that the King had discharged him from that trust*. This made the public discontent swell so high, that the lord-mayor informed the King, that there would be a general rising in the city, to attempt the Tower. On this the keys were taken from Lunsford, and given to Sir John Byron, a man almost as disagreeable to the public, as his predecessor.

When the Commons deputed their committee to treat with the city concerning a loan of money for the Irish wars, they were told, with a just freedom, that the privilege of parliament was a great hindrance to their trade. The citizens farther delivered their opinion on the following articles: That Popish lords, and other suf-

Nelson,
vol. II.
p. 644.

* The following was the pretended reason for the earl's discharge: That whilst the King was in Scotland, at a meeting at the earl of Holland's house at Kensington, where there were many members of both houses present, on a discourse of plots, the earl should say, "If there be such plots, we have his wife and children here." This Newport strongly denied; on which the King replied, "I am sorry for your lordship's memory." This being told the Peers, they desired a conference with the Commons on the subject; and both houses concurred in petitioning the King to declare who was the reporter of the scandal. The King denied he had expressed any such belief; assured them he gave no credit to the rumor; and absolutely refused to name the informer. *Rushworth*, vol. IV. p. 464, *& seq.*

Anno 1641.

pected persons of quality, ought to be secured; and that the bishops maintaining their seats in parliament was an impediment to the progress of those good laws and motions which had been sent up by the Commons to the Peers. This declaration of the sense of the city was farther enforced by a petition, subscribed by aldermen, common-council-men, subsidy-men, and other inhabitants of the city of London: it was directed to the house of Commons; beginning with an acknowledgment of their laborious endeavors for a reformation, which had removed several pressures and grievances, notwithstanding the impediments which had arisen from Popish lords, and bishops, voting in the house of Peers: it complained of the desperate plots of Papists and their adherents, now actually operating in the kingdom of Ireland, and threatening England in a manner which filled every mind with apprehensions; so that the trade of the kingdom was stopped, no man following his occupation chearfully, whilst the lives of himself and family, and the public safety, were in danger: it complained of the bold insolent carriage, and threatening speeches flung out by the Papists in the realm; their endeavor to raise a disrespect in the hearts of the people against the parliament; their seditiously misconstruing the citizens' dutiful and loyal entertainment of his majesty to be a deserting that honorable assembly, the least thought of which they did utterly detest and abhor. To prevent the destructive plots of the Papists and their adherents, the petitioners prayed, that considerable forces might be sent into Ireland; this kingdom put into a posture of defence; that the Commons would be a means to obtain the concurrence of the King and Lords,

in

Nelson,
vol. II. p.
733, & seq.

in the punishment of delinquents, the redressing the grievances of church and commonwealth; and that they would take into particular consideration the abuses crept into the ancient government of the city *: To the better effecting of this, that the Popish lords, and bishops, should be removed out of the house of Peers, as had been desired by the representative body of the city, when fifty thousand pounds were freely lent to raise forces for Ireland.

This petition was in its nature too pleasing to the prevailing party in the house of Commons not to meet with encouragement. An assembly having met together in Southwark, on a business of the same kind, they were disturbed by a meddling officious constable, of the high-church faction; a riot ensued, but, on a writ being directed to the sheriff to proceed against the parties, the leading men in the house of Commons declared, that the matter affected their privileges, the constable having interrupted a set of well-affected men, who had met together to address that assembly. On this an order passed, that the under-sheriff should be enjoined not to suffer proceedings to be made upon any inquisition which might concern persons who were met together to subscribe a petition to be preferred to that house.

Clarendon's
Hist. vol. II.
p. 265.

Whilst the partizans of Liberty were thus uniting their forces, and making vigorous efforts to remove the obstacles which impeded their designs, Charles, who had been hitherto totally unable to divert the popular current which

* This probably relates to that dispute between the mayor and commonalty of the city which had been referred to parliament, and yet remained unsettled.

had

Anno 1641. had run so strongly for his enemies, was making impotent attempts to obstruct its course. He Ludlow, p. 9. not only gave private orders to Lunsford and others to withstand the mob in their tumultuous clamors against bishops and Popish lords *, but, affecting fears for his own person, retained a guard of disbanded officers, who waited to be employed in the Irish war, and ready to engage in any mischievous design which should be proposed. These desperadoes were entertained and fed with great pomp at Whitehall. The gentlemen of the inns of court were likewise tampered with, and some of them offered their assistance to defend the persons of the King and queen: of this idle crew there were some who went so far as to say, “ Let us not suffer these fellows at Westminster to domineer thus, but Tumults. bring up our tenants to pull them out.” The mob was not only insulted with contemptuous words, such as “ round-headed dogs †,” but

* By the influence of Gurnay, the lord-mayor, the common-council had passed an act for addressing the King to keep his Christmas at Whitehall: the King promised compliance, provided the city magistrates would take a course for preventing tumults; and knighted seven aldermen, who brought the address: he afterwards sent a message to a court of common council, on the subject of tumults. It appears by the debates of this court, that the trained-bands were very much disaffected to the royal cause. *Rushworth*, vol. IV. p. 470.

† Dugdale says, that the German reformers cut their hair round, in contradiction to the conformists, who were vain and costly in their attire, and wore a great quantity of hair: the reformers in England took example from their German brethren. The queen, who had a great deal of levity in her conduct and manner, observing Samuel Barnardiston (one of the ringleaders of the non-conforming sect) marching at the head of a body of apprentices, cried out, “ See what a handsome young round-head is there;” the appellation was affected by her whole party, and was publicly used by Hyde. The King’s guard of bravoës were in return called

swords were drawn, and many of them slashed, and otherwise wounded *. The gentleman-usher of the house of Lords, having, by the command of that assembly, ordered the concourse of people to disperse, was told, that they were willing to go ; but that colonel Lunsford and others were laying in wait for them in Westminster-hall, and that many of their fellows, in their way home, had been hurt by his soldiers. The Lords appointed a committee to examine what warrant had been given to the soldiers to come down to the parliament-house ? what notice had been given to any others to come down to Westminster in multitudes ? and who gave the occasion that swords were drawn and blows given in Westminster-hall † ? On an inquisition which the house

called Cavaliers. These terms were afterwards used to distinguish the two parties. *Dugdale*, p. 8. *Rapin*, vol. XI. p. 294. *Clarendon's Hist.* vol. I. p. 267.

* The news that Lunsford and others of the gang had drawn their swords upon the people being carried into the city, great multitudes of that body ran down to Westminster, with staves and other weapons. This occasioning a more than ordinary uproar, the assiduous lord-mayor ordered the gates to be shut, and put the trained-bands in arms ; whilst the King, on his part, commanded the militia of London and Westminster to assemble by turns, and guard his person. *Rapin*, vol. XI. p. 294.

† Some time before this, a company of watchmen, with halberts, was set as a guard on both houses of parliament. The Lords questioned them why they came there ? and sent for the high-constable : he alledged, that he received a warrant from the justices of peace, set forth by the King's writ, directed to them : the Commons summoned these justices before them : the justices pleaded, that the writ was granted forth by the direction of the house of Peers. It was found they had exceeded their authority in sending constables when there was no tumult, and had been guilty of a breach of privilege in ordering down armed men to the parliament, without acquainting them with it. One of the justices, named Long, who had signed the warrant for the guards, was sent to the Tower.

To

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Nelson,
vol. II. p.
792, & seq.

of Commons made on this business, they were informed by one of their own members, that, on his questioning a guard of soldiers, which he found in the way, he was told that they were set there by the command of the lord-archbishop of York. Mr. Holles was sent up to the Lords to complain of the outrages which had been committed on the persons of the King's subjects; and, that this might be a free parliament, to desire them, according to their own proposition *, to join with the house of Commons in a

To suppress riots the Lords had ordered, that the lord-keeper should issue out writs according to the statute of Henry V. cap. 8. This statute exposes those who are found in riots to be tried by the King and council, and punished according to the arbitrary decisions of that tribunal. It was therefore laudable in the house of Commons to exert their present authority, to rescue the subject from an unconstitutional law.—They were guilty of an act of power, on another occasion, which was very unjustifiable. Sir Walter Earl had given an information to the house of some dangerous words spoken by several persons, but did not name the offenders: the house ordered the speaker to issue out a warrant to apprehend such persons as Sir Walter Earl should nominate to him. This was an act of power unnecessarily tyrannical and unconstitutional: since though the constitution does not limit the house of Commons in means to defend the liberties of the subject, yet it does not permit them to infringe those liberties in the smallest degree. *Nelson*, vol. II. p. 727, 732, & p. 729. *Parl. Hist.* vol. X. p. 98. *Statutes at Large*, vol. I. p. 215.

* On the occasion of the late fray, the Lords had desired the Commons to join with them in a declaration, to be published, testifying their dislike of the assembling of the people in such a disordered manner about the two houses of parliament: and that they would likewise petition the King for a guard. The Commons returned answer, that they would agree with their lordships in all good and lawful means for the safety of the parliament; but for printing a particular declaration, they had entered into a debate on it, and found it to be a thing of great consideration, which would require time. Clarendon says, that on the receipt of the Lords' message, some of the popular members urged, "That they must not discourage

petition to his majesty, that the parliament might have a guard, and such a one as should be approved by the two houses, to be commanded by the earl of Essex. The Lords not then thinking fit to agree with the repeated requests of the Commons*, they directed, that the justices of the peace of the city of Westminster should take care that good watches, sufficiently armed, should be set in such convenient places as should be necessary for their safeguard; and that halberts should be provided for the service of the house. They farther declared, that it should be lawful for every member to bring his own servant to attend at the door, armed with such weapons as they should think fit. The King was addressed on this subject in the name of the lower house: This address set forth, that there had been several attempts heretofore to bring destruction on their whole body at once; that a malignant party, bitterly envenomed against them, was daily gathering strength and confidence, and was now come to such a height as to give boldness to some not only to imbrue their hands in the blood of

Anno 1641.

Nelson,
vol. II. p.
800.Journals of
Commons,
vol. II. p.
365.

discourage their friends; this being a time they must make use of all friends." Pym said, "God forbid the house of Commons should proceed in any way to dishearten people to obtain their just desires." *Parl. Hist.* vol. X. p. 127, 135. *Clarendon's Hist.* vol. I. p. 265.

* The present obstinacy of the Lords in this matter is very surprizing: They had, on the King's return from Scotland, so strongly concurred with the Commons in their desire for a guard under the command of the earl of Essex, that they deputed some of their own body to make this request; and now, when themselves not only acknowledged there was a great occasion for the parliament to have a guard, but made the first motion for it, they would not concur with the Commons on the means to have one of their own chusing, but pressed them to accept of one which should be appointed by the King.

the

Anno 1641. the subjects at the very doors of the parliament; and at the King's own gates, but had given out insolent and menacing speeches against the parliament itself; so that they conceived they could not, with the safety of their persons, on which the peace of the whole kingdom depended, sit any longer unarmed and without a guard*. The King's party having been the aggressors in the fore-mentioned fray, the Commons, not without reason, regarded it as a levying war on his subjects; and it afforded them a just pretence for protecting the mob†. The King set forth a proclamation against tumultuous meetings; but some citizens having been committed on the occasion of riots, they were, by the express orders of the lower house, set at liberty‡; and David Hyde, a reformed officer, who called out, "he would cut the throats of those round-headed dogs who bawled against bishops," was secured by the citizens, and brought before the house of Commons, who committed him to prison, and cashiered him from all employment in Ireland.

The Lords, alarmed at the pretensions, and dreading the vigor, of the Commons, kept firm

* The Commons had, previously to the resolutions they had passed for their defence, sent a verbal message to the King for a guard: he directed that the message might be given him in writing; and then neglected to return an answer. *Rapin*, vol. XI. p. 303.

† These mobs are not to be considered as composed only of the lowest order of citizens. In a fray occasioned by the archbishop of York's detaining some rioters who had gotten into the Abbey, several citizens were hurt by stones thrown from the leads; and one Sir Richard Wiseman died of the wounds he received. *Rushworth*, vol. IV. p. 465.

‡ They were committed by the sheriffs of London and Middlesex, on the statute of the thirteenth of Henry IV. The Lords had given express orders to the sheriffs to put this statute in execution. *Nelson*, vol. II. p. 792.

to their resolution of defending the bishops in their privilege of voting in parliament, when an unexpected accident subdued that obstinacy which had withstood the general voice of the people, and the repeated endeavors of the Commons. Williams, the present archbishop of York, whose servile nature admitted of a great degree of insolence of temper*, in his way to the house of Lords fell in with a body of apprentices, who had just delivered in a petition for the laws to be put in execution against priests and Jesuits; that the persons of Papists, and other dangerous persons, might be secured; and for the removal of prelates and Popish lords†. He observing one particular youth who was louder than the rest in his clamors against bishops, had the imprudence to lay hands on him: This produced a contest; the youth

Rushworth,
vol. IV.
p. 463.

* Clarendon says of this prelate, that, after the King had thought it necessary to make him archbishop of York, he carried himself so insolently in the house of Lords, and out of the house to all persons, that he became more universally odious than Laud had been; and that the hatred he had incurred was an encouragement to the Commons to send up a second bill, with some little alteration, to remove bishops. Williams was a man of cunning but not judgment, of an abject nature, without generosity or honor; whilst he was in disgrace with the King, he made low court to the party in opposition, and performed many useful offices for them: the popularity he had acquired by this means making him of some consequence, he was preferred by the King, to whom he ingratiated himself by flattering his religious prejudices, and betraying his friends who had supported his character at the time when he was persecuted by Laud, and ill-treated by the court.

† The apprentices assert in their petition, that they are engaged by the late protestation to defend the King's rights, the liberties of parliament, and the subjects in general, against Papists and Popish innovations; such as archbishops, bishops, and their dependants, appear to be. This is the first time this use had been made of the protestation. *Rushworth*, vol. IV. p. 462.

was

Anno 1641. was rescued by his fellows, and the bishop's robes were torn in the scuffle. Williams, transported with passion and indignation, summoned all his fellow prelates who were in town, and proposed to them to join in a protestation, to be addressed to the King and the house of Peers. This proposal being agreed to, he immediately prepared a paper, which set forth, "That though the bishops had an undoubted right to sit and vote in parliament, and ought to be protected by the King in this privilege, yet in going thither they had been menaced and assaulted by the multitude, to the danger of their lives, and could find no redress, upon sundry complaints made to both houses on these particulars; that as they could no longer with safety attend their duty in the house, they did protest against all laws, votes, and resolutions, as null and void, which should pass during the time of their forced and violent absence." This paper was directed to the King, with an humble desire that he would send it to the Lords, and command that it should be entered in the Journals of the house. The archbishop hurried to Whitehall for the royal approbation: Charles, ever precipitate in his determinations, entered with eagerness into the politics of the bishops: "The house of Peers could do nothing in their absence; this would affect the resolutions of the lower house; this would put an effectual stop to the progress of the intended reformation; the house of Peers might espouse the cause of bishops with a warmth which might occasion such a disagreement as should oblige the Commons to give up their pretensions in this point; or it might introduce a favorable opportunity to bring about a dissolution." Thus sanguine were the King's hopes on every plausible expedient which was

Protestation
of the
bishops.

pro-

proposed to him. The paper was immediately ^{Anno 1641.} delivered into the hands of the lord-keeper Littleton, with an injunction that he should present it to the house as soon as it met*. Littleton, who was a state-puritan† by principle, though a courtier in practice, burnt with a desire to perfect a reconciliation with the prevailing party in the house of Commons: he had had an opportunity of ingratiating himself, by complying with their resolutions in giving up his privilege of voting on the trial of Strafford; and finding that great use might be made of this protestation, he did not offer an objection, but observing the strict letter of the command, read it openly in the house of Lords, not without making some comments on it very much to the disadvantage of the protesting party. The assembly of Peers was at this time not only purged of the company of bishops, but the Popish lords were likewise frightened away by the rage of the people. This protestation, therefore, to the confusion and disappointment of the King and the prelates, acted diametrically opposite to their expectations: the popular lords in a transport of joy, cried out, that the hand of God now appeared in bringing that to pass which they could never otherwise have effected. The house unanimously agreed to desire an immediate conference with the Commons: the protestation was read by the keeper, and delivered to them with this advice, That he had received it from the King's own hand, with a command to present it to the house of Peers: he told them in the name of that assembly, that

* The house had two days recess during the Christmas holidays.

† The opposers of the power of the crown were called State Puritans. *Rapin.*

Anno 1641. the protestation containing matters of dangerous consequence, extending to the deep trenching upon the fundamental privileges and being of parliaments, they thought fit to communicate it to the Commons, as a thing of great and general concernment. On the report of this conference, it was resolved in the lower house, that the twelve bishops who had signed the paper should be accused of high-treason, for endeavoring to subvert the fundamental laws and being of parliaments. Mr. Glyn was sent up on this errand: he desired, in the name of the Commons, that the bishops might be put in safe custody. The Lords complied with the request; the parties were brought to the bar as delinquents*, and then committed to the Tower†; not an individual in either

* Archbishop of York, bishops of Durham, Coventry and Litchfield, Norwich, St. Asaph, Bath and Wells, Hereford, Oxford, Ely, Gloucester, Peterborough, and Landaff. The Commons having obtained this point, dropped their first prosecution against the thirteen bishops. On this impeachment of the bishops, Mr. Rous, made a speech to the house, to persuade them to interpose their authority to prevent the consecration of three of the bishops newly appointed: two of them had undergone that ceremony, and were already invested in their office.

Hall, bishop of Norwich, had, at the instigation of Laud, written a treatise to vindicate the *jus divinum* of bishops. Though this absurd doctrine is strongly inculcated in this work, yet it was done with too much moderation for the archbishop, who corrected it and improved it with his own hand, before he suffered it to be published. *Parl. Hist.* vol. X. p. 146, & seq.

† The two archbishops, Laud and Williams, having ever been of the same principles, and having only differed as their several interests thwarted each other, those interests being now reconciled by the similarity of their situations, became perfect friends, each of them expressing contrition for that mutual animosity which had contributed to the overthrow of a superstition calculated to support the prelates in power, pomp, and luxury.

house

house having ventured to speak one word in their vindication: one person said, that “ he did not believe them guilty of high-treason, but they were stark mad, and ought to be sent to Bedlam. * ”

* The disgrace of the bishops was celebrated with bonfires, and all sorts of public rejoicings.

C H A P. III.

The King enters into new projects to subdue opposition.—His attorney brings into the upper house a charge of high-treason against the lord Kimbelton, and five members of the lower house.—The King goes to the lower house, with an intention to seize the five members.—They elude the danger by an escape.—Confusion and terror of the public.—The King endeavors, but in vain, to soften their resentment.—The parliament adjourn, and appoint a committee to sit at Guildhall.—Complaisance of the city to the parliament's committee.—The city petition the King.—He retires from Whitehall to Hampton-Court. Re-meeting of parliament; with the triumphant return of the committee and the six accused members.—Declaration of the parliament against the King's proceedings.—They appoint themselves a guard.—Petitions of the inhabitants of the county of Bucks.—The parliament secure the town and garrison of Hull, and manifest other symptoms of distrust.—The Scotch commissioners interest themselves in the quarrel between the King and parliament.—The Commons make new attempts to wrest the power over the militia from the King; and publish a declaration for putting the kingdom

into a posture of defence.——The parliament re-adjourn, and appoint a committee to sit at Grocers Hall, with a guard.——New projects of the King.——Caution of the Commons.——They impeach Sir Edward Herbert, the King's attorney.——The Lords pass sentence on him.——Mr. Pym's speech to the Lords on the state of public affairs.——Proceedings against the duke of Richmond.——Farther proceedings on the militia.——Various petitions.——Harmony between the two houses.——The bill for depriving bishops, &c. with the pressing act, pass the Lords.——Farther proceedings against the impeached bishops,——And on the militia.——The queen leaves the kingdom.——The royal assent given to the bill against bishops, and the pressing act.——Impeachment against the lord Digby.——The King denies his assent to the parliament's ordinance on the militia.——Spirited transactions of the parliament.——The King retires northward.——Acts passed.——Affairs of Ireland.

Anno 1641.

Notwithstanding the advantage the bishops had given their adversaries, yet the cause of Liberty was more triumphant in appearance than in reality. The close conjunction of the Popish and prelatical factions, a strong combination of self-interest with prejudice, formed a powerful opposition against the designs of the patriot party. The King had so great an influence in the lower house, that it was with difficulty the popular members could carry any material point against him, as appears in the votes on the remonstrance. He yet maintained a majority among the Peers, notwithstanding the confinement of the bishops; they having, after this event, refused to join with the lower house in their

their petition for a guard, and, though earnestly solicited, declined going on the exclusion-bill. The zeal of the multitude, if not continually fed with fuel, soon cools; and even now the treachery of the court began to be less apprehended, and the King's supposed connivance at the Irish rebellion (which had generally gained belief, and excited the utmost disgust and horror) was so stiffly and obstinately denied by the faction of royalists, that it was treated with an universal scepticism. Notwithstanding the weakness and the wickedness of the King's administration, the known immorality of his political character, his acknowledged servitude to a superstitious intriguing woman, entirely governed by her priests; notwithstanding the severities and inconveniencies which this nation had experienced from monarchical and priestly government; notwithstanding the virtue and abilities of the leaders in opposition, the righteousness and rationality of their cause; notwithstanding that the people, to the very lowest orders, had already tasted the sweets of Liberty; such is the fluctuating temper of the common herd of mankind; such their want of conception in every article of political happiness; such their attachment to established forms, however pernicious and erroneous; such their obedience and blind faith in those who are their superiors in fortune and in rank; that the current began to change. Had the King remained quiet and avoided giving any farther disgust, had he patiently waited that fortune which accident and the caprice of human nature was preparing for him, the tide of bigotry to kings might have returned stronger than it had ebbed, and have

Anno 1641. borne down with it all those bulwarks which the champions of Liberty had erected for the new-acquired rights they had obtained for the people. Such evil was not at this time to be the portion of GREAT BRITAIN.

The King enters into new projects to subdue opposition.

Charles, whose sanguineness of disposition, on any favorable appearance, was equal to his dejection of spirits in contrary circumstances, grew elated to a high degree at the flattering account which his creatures daily gave him of the situation of his affairs. The party in opposition were represented as driven to their last shifts; that many of them, foreseeing they should be forsaken by the people, to avoid punishment, intended to fly the country. Such was the confidence which this dawn of fortune inspired into the royal party, that Falkland accepted of the office of secretary of state *, Sir John Colepeper that of Chancellor of the Exchequer, and Mr. Hyde was promised a preferment suitable to his merit. Charles, intoxicated with this returning prosperity, determined at one stroke to subdue his half-vanquished enemies, and open a way by which all the concessions which had been extorted from him might be rescinded.

When the lord Saville, in consequence of his successful forgery, had overwhelmed his rival Strafford with the vengeance of an enraged parliament, he, betraying his friends and associates,

* Sir Henry Vane's dismissal from this office gave so much chagrin to the Commons, that he, with the earl of Salisbury, was specially recommended to the King, to be re-taken into his service. Sir Henry Vane junior, the son of the secretary, being dismissed from the office of treasurer of the navy, it was voted, that the house would take it into consideration when they should consider the next bill for tonnage and poundage. *Journals of the Commons*, vol. II. p. 360.

informed the King, that the Scots had had a general invitation, from the leaders of the discontented party, to invade England; and that many of his staunch opposers in parliament had been of the cabal. On this intelligence, the King undertook a journey to Scotland, to furnish himself with matter for an accusation, and, by the force of bribery and flattery, to break the engagement between the Scottish and English leaders. It is said, he succeeded so far as to discover that those who were the active and leading men in both houses of parliament had not only encouraged but solicited the Scotch invasion*. He was prevented from making an immediate use of this information by the outcry which the Irish massacre had raised against him, and by the fears and jealousies which the rumor of a conspiracy at Edinburgh, to take off by assassination the marquis of Hamilton and the earl of Argyll, had occasioned in the English parliament. Preparatory, however, to this important enterprize, he dismissed the guards which this assembly had raised for their security, took away the care of the Tower from the earl of Newport, and placed Sir Thomas Lunsford in the office of lieutenant; a man, who, as Clarendon

* It is supposed to have been Montrose who discovered several particulars to the King. He could not prevail with Wareston to give up the invitation forged by the lord Saville, which had been entrusted to his hands. It is surprising the King should have so eager a desire to possess this paper, since he knew that it was forged by Saville, the man who, notwithstanding this intelligence, he had promoted. Wareston, not knowing what use the King intended to make of it, excused himself from delivering it, cut out the subscriptions, and sent each to the person for whom they were forged. *Burnet's History of His Own Times*, vol. I. p. 29.

Anno 1641.
Clarendon's
Hist. vol. I.
p. 280.

Rapin,
vol. XI. p.
304.

says, was only known by the disadvantage of an ill character, who would be faithful for the obligation, and execute any thing which should be required of him. The instant and peremptory demands of the populace obliging the King to dismiss Lunsford, Sir John Byron, another creature of the court, was put in his place; and a regiment of disbanded reformadoes * entertained at the royal palace. The Commons, ever suspecting treachery on the King's part, were justly alarmed at these suspicious circumstances, and continued to petition for a guard; appointing a committee to sit in the city, during their recess of three days, to receive the King's answer, and transact this business. The King, for very important reasons, continued deaf to the earnest desire of the Commons, and sent them word, That he was wholly ignorant of the grounds of their apprehensions; if he had any knowledge or belief of the least design of violence against them, he would pursue the contrivers of it with the same severity and detestation as he would do the greatest attempt on his crown; and he engaged solemnly, on the word of a King, that the security of all and every one of them from violence was and should ever be as much his care as the preservation of himself and children; and if this general assurance could not suffice to remove their apprehension, he would command such a guard to wait upon them as he would be responsible for to Him who had charged him with the safety and protection of his subjects. The populace of London had entirely dispersed,

* The parliament had these reformadoes in so great distrust, that they were disbanded on their first meeting, before the rest of the English troops.

and the King sent to his good friend the lord-mayor and the common-council of London to take measures to prevent their re-meeting. Anno 1643.

On the third of January, the day the parliament met after their recess, the Commons received the King's denial to their request for a guard of their own appointing. In the afternoon of the same day, Herbert, the attorney-general, informed the Lords, that he had somewhat of importance to communicate to them from the King, who had commanded him to accuse the lord Kimbolton *, a member of that house, and five members of the house of Commons, of high-treason; that his majesty had himself delivered him in writing the articles on which he accused them.—Thus saying, he read the following engrossed impeachment.

Charge of high-treason against lord Kimbolton, and five members of the lower house. Parl. Hist. vol. X. p. 156, & seq.

“ That the accused members had endeavored to subvert the fundamental laws of government, to deprive the King of his regal power, and to place in his subjects an arbitrary and tyrannical power :

“ That they had, by foul aspersions on his majesty and his government, endeavored to alienate the affections of his people, and to make his majesty odious :

“ That they had endeavored to draw his late army into disobedience to his commands, and to side with them in their traitorous designs :

“ That they had traitorously invited and encouraged a foreign power to invade his majesty's kingdom of England.

“ That they had traitorously endeavored to subvert the very rights and being of parliament :

* Son to the earl of Manchester.

“ That

Annō 1641.

“ That they had by force and terror compelled the parliament to join with them in their traitorous design; and to that end had actually raised and countenanced tumults against the King and parliament; and that they had traitorously conspired to levy, and had actually levied, war against the King.”

Mr. Attorney, having read the articles of impeachment, farther said, that he was charged to desire, on his majesty's behalf, first, That a select committee, under a command of secrecy, should be appointed to take the examination of such witnesses as the King would produce in this business, as formerly had been done in cases of the like nature; secondly, Liberty to add and alter, if there should be cause; thirdly, That their lordships would take care for securing the persons, as in justice there should be cause.

Amazement seized the Lords on hearing both houses of parliament in a manner accused of high-treason; every act which had been made to secure the people from any future attempt on their Liberties condemned as irregular, and extorted by violence; and themselves requested to perform so unconstitutional an act as to commit five members of the lower house, over which they had no power. When the assembly had a little recovered their surprize, they appointed a committee to examine the regularity of this proceeding, whether there ever had been such a one, and whether an accusation against a peer might be brought into their house by the attorney-general. They took no other notice of the accusation against the five commoners but by acquainting their house, that some of their members were accused of high-treason*.

* Clarendon says, that it was lord Digby who advised the King to this accusation; and promised him, that as soon as the

Whilst this scene was acting in the house of Lords, the Commons were informed, that Sir William Fleming, Sir William Killigrew, and others, were at Mr. Holles's and Mr. Pym's sealing up their trunks, doors, and papers. On this intelligence, the Commons ordered their serjeant to go and break open the seals, and apprehend those who put them on; and passed an order, That if any persons whatever should come to the lodgings of any member of the house, and offer to seal his doors, trunks, or papers, that then such member should require the assistance of the constable to keep such persons in safe custody till the house should give farther orders; that if any person should offer to arrest or detain any member, without first acquainting the house therewith, it should be lawful for such member to stand upon his defence, and for any person to assist him, according to the protestation taken to defend the privileges of parliament. A conference on the subject of this breach of privilege being immediately demanded of the Lords, the Commons entreated that assembly to join in a request to the

the attorney-general had read the impeachment, he would move for the commitment of lord Kimbolton; that, on the contrary, he seemed more surprized and perplexed at the event than any other member in the house; and, sitting next lord Kimbolton, whispered him with some emotion, that the King was mischievously advised, that to prevent farther evil he would know immediately whence the counsel proceeded; that, so saying, he retired in great confusion. Clarendon is of opinion, that if Digby had performed his promise it would have raised a very hot dispute in the house. This opinion proceeded rather from the same sanguineness of disposition which had betrayed the King and Digby into the ill-timed accusation, than from just grounds. It is likely that Digby's timidity was occasioned from the unexpected appearance of resentment he saw in the house. *Clarendon's Hist.* vol. I. p. 282.

King

Anno 1641. King to remove the guards at Whitehall; and that the parliament might have such a guard as should be approved of by his majesty and both houses; that their lordships would join in vindicating the privileges of parliament; and if a guard could not be obtained, that they would take into consideration the adjourning to a place of safety.

On the subject of this conference the Lords passed the following orders: That all the chambers, studies, and trunks belonging to Mr. Holles, Mr. Pym, Mr. Hamden, or to any member of parliament, which have been sealed up and locked, shall be forthwith unsealed and unlocked, and left to their free use and disposure; that this house will join with the house of Commons in an humble petition to the King for a guard in the same manner as they desire, and that it shall continue as long as the King and both houses shall think fit. On this day of business, Francis, the King's serjeant at arms, came to the house with a message from the King: on being admitted, he informed the speaker, that he was commanded by the King's majesty on his allegiance to require of him five gentlemen, members of the house of Commons; and that these gentlemen being delivered, he was ordered to arrest them, in the King's name, of high treason; that the names of the five gentlemen were, Mr. Holles, Sir Arthur Haslerig, Mr. Pym, Mr. Hamden, and Mr. William Strode. On this message, the Commons with great calmness discharged the serjeant, and ordered Sir John Colepeper (the present chancellor of the Exchequer), lord Falkland (secretary of state), Sir Philip Stapleton, and Sir John Hotham, to attend his majesty, and acquaint him, That his message was a message of great consequence,

quence, as it concerned the privileges of parliament, and therein the privileges of all the Commons of England; that they would take it into serious consideration, and would attend his majesty with an answer, in all humility and duty, and with as much speed as the greatness of the business would permit; and, in the mean time, the house would take care that those gentlemen mentioned in the message should be ready to answer any legal charge laid against them. After this, the speaker, by the command of the house, enjoined the accused members to give their attendance *de die in diem* *. On the morning of the succeeding day, the King not having sent a satisfactory answer to the joint petition of both houses for a guard, the Commons testified to the Lords their uneasiness on this head, because they had received information, that the gentlemen of the inns of court had been dealt with to come armed to Whitehall when they should be required †; and that a scandalous paper had been published, to the injury of some members of both houses, containing articles of high-treason against them; they desired the Lords to join with them in finding out the authors, and bringing them to condign punishment ‡. The

* A committee of both houses having been sent to the King to remonstrate on this breach of privilege, he told them, that the house should have an answer as soon as it was set.

† They received a message, the night before they were examined, to keep within the succeeding day, and be ready at an hour's warning, if his majesty should have occasion to use them. The articles of accusation against the six members were likewise sent to them. *Rushworth*, vol. IV. p. 476.

‡ An order passed the house of Commons, that the trained-bands of the city of London should be put in readiness for the safety of the King's person, the city, and the commonwealth; and that there should be a strong guard and watches set at all places convenient about the city. *Journals of the Commons*, vol. II. p. 366.

King,

Anno 1641.

King, on the return of his serjeant empty-handed, entered on the execution of the last part of his project; viz. the going himself in person with an armed force, taking the house at a surprize, and seizing the five members*. This was determined on the receipt of the message from the Commons; but the morning bringing more timid reflections, the King went to the queen's apartment, and expostulated with her on the hazard of the attempt, expressing something like a determination of not putting it in execution. The queen was transported with passion at this want of resolution: "Go, coward! exclaimed this imperious woman, pull these rogues out by the ears, or never see my face more." The submissive husband obeyed, and went strait to the house of Commons, with a train of five hundred followers. The house having received intimation of the King's intention†,

The King goes to the lower house to seize the five members.

* According to a plan which had been previously laid, Lilly says, that all Christmas time there were private whisperings in court, and secret counsels held by the queen and her party, with whom the King sat in council very late many nights. *Lilly*, p. 57.

† One captain Langrish rushed through the King's train, and brought the house intelligence of his hostile appearance: at the same time the assembly was informed, by one of its own members, that endeavors would be used that day to seize the five members. It is said, the intimation came from the countess of Carlisle, who overheard the dialogue between the King and queen. Clarendon hints that it came from William Murray, of the bed-chamber; but the suspicions of this author are seldom well grounded. Murray was so far from acting as a spy for the opposition, that, in a resolution of the house of Commons, he, among others, is particularly objected to, as improper to be trusted about the person of the King. Lilly the astrologer says, that whilst he was at dinner at Whitehall, Sir Peter Wich, one of the court attendants, burst into the room, and broke open the chest which contained the arms: the action frightened the whole company; and one of them ran to inform some members of the house of Commons, that the King had hostile intentions. *Lilly's Observations on the Life and Death of King Charles*, p. 59.

ordered the five members to withdraw, lest the house should be engaged in blood *. This order was hardly obeyed when the doors were flung open, and the King appeared: he walked immediately up to the chair, and said, "By your leave, Mr. Speaker; I must borrow your chair." After having stood in it some time, and eyed the members as they rose up uncovered to receive him, he asked the speaker, whether he saw any of the accused members, and where they were? The speaker, falling upon his knee, replied, "I have neither eyes to see, nor tongue to speak, in this place, but as the house is pleased to direct me, whose servant I am here; and humbly beg your majesty's pardon that I cannot give any other answer than this to what your majesty is pleased to demand of me." On this the King told the house, he had sent a serjeant at arms to apprehend some who, by his command, were accused of high-treason, unto which he expected obedience, and not a message; that he must declare unto them, that albeit no King who ever was in England should be more careful to maintain their privileges than himself, yet he must let them know, that in cases of treason no person had privilege; and therefore he was come to know if those persons he had accused were among them, for so long as that was the case, he could not expect that the house would be in the right way he did heartily wish it; he was come to tell them, he must have the persons accused wheresoever he

Anno 1641.
They elude
the danger
by an escape.

* Mr. Strode was unwilling to withdraw; but the house insisted on his obedience, to prevent the inconvenience of defending their privilege by force of arms. The six members repaired for shelter to a house in Coleman-street in the city. Lord Digby was mad enough to offer to go with a select company of gentlemen, and to bring them away, or leave them dead on the place. *Clar. Hist.* vol. I. p. 283.

could

Anno 1641. could find them *; that since the birds were all flown, he did expect that the house would send them unto him as soon as they returned, otherwise he must take some other course to find them; he never did intend force, but to proceed in a legal and fair way; and whatsoever he had done in favor, and to the good of his subjects, he meant to maintain. Thus having said, the King retired in some confusion, many members crying out, "Privilege! Privilege †!"

Confusion
and terror of
the public.

The house adjourned itself till the next day. Great was the confusion and terror of the public on this event. The accused members removed themselves into the city; the inhabitants of which were the whole night in arms. Alarms of various kinds were raised, that the cavaliers and Papists were come to fire the city, and that the King was at the head of them. The next morning, orders having been sent to the lord-mayor to call a common-council, Charles, attended by three or four lords, went to Guildhall: he told the council, that he was come to demand such persons whom he had accused of treason, and did believe they were shrouded in the city; he hoped no good man

* An evidence that he meant to use force had they been in the house; though he afterwards called God to witness, that he did not intend violence. *Clar. Hist.* vol. I. p. 341.

† The Commons had sent a message the night before, complaining, that the King had infringed their privileges in sending his serjeant to their house to seize their members. On the delivery of this message, the King returned, that he would send an answer the next morning as soon as the house was set. To the lords, who had been sent from the upper house to solicit a guard, he said, he could not give a present answer, by reason of some weighty affairs which were then before him; but he believed he should send one either that day or the morrow. This was on the morning of the day on which he went to seize the five members. *Rushworth*, vol. IV. p. 476. *Parl. Hist.* vol. X. p. 162.

would

would keep them from him; their offences were Anno 1641.
 treason and misdemeanors of an high nature: he did desire their loving assistances therein, that they might be brought to a legal trial; and whereas there were divers suspicions raised that he was a favorer of the Popish religion, he did profess, in the name of a King, that he did, and ever would, and that to the utmost of his power, be a prosecutor of all such as should anywise oppose the laws and statutes of the kingdom, either Papists or separatists; and not only so, but would maintain that true Protestant religion which his father did profess. Certainly the King was yet intoxicated with the entertainment he had received from the city, and fondly imagined, that in the flattery of the lord-mayor and a few of the aldermen were included the sentiments of all the men of property in London; otherwise he could never have imagined by such means to get possession of the five members, or have thought this an occasion to acknowledge himself strongly attached to his father's superstition, and an inveterate opposer of that alteration in religion which was at this time universally desired. Charles, who thought that the smiles of majesty had an irresistible influence on the affections of men, put on affairs of popularity, and, after using many gracious expressions of the esteem he had for the company, told one of the sheriffs, who was known to be attached to the parliament, that he would dine with him. He had the mortification however, to depart without receiving any mark of applause or approbation. As he returned home, he was followed by the people, but received no other insult than a paper flung into his coach by a pamphlet-writer, whereon was written these words,

The King
 endeavors
 but in vain,
 to soften the
 resentment
 of the
 public.

Anno 1641. "To your tents, O Israel*!" the croud contenting themselves with crying out, "Privilege of parliament! Privilege of parliament †!"

Clar. Hist.
vol. I. p.
284.

A proclamation was issued out the next day for the apprehension of the six members ‡; with a prohibition to all persons to harbor them; and the articles of their charge were printed and dispersed §. The house of Commons only met to

* The words used by the Israelites, when they abandoned their weak and tyrannical prince Rehoboam.

† Lilly says, that the King, had no incivility, in the least measure, offered to his person; only many cried out as he passed the streets, "Sir, let us have our just liberties; we desire no more." *Lilly*, p. 61.

‡ Mr. Hollés and Mr. Strode had already suffered many years imprisonment, after the dissolution of that parliament which immediately preceded the twelve years of arbitrary government without parliaments. *May's Hist.*

§ Clarendon, at the same time when he vindicates the legality of the King's proceedings, takes great pains to exculpate himself and friends, Falkland and Colepeper, from being the advisers of the project; asserting, That notwithstanding they had insisted in the service, under promise that the King would enter into no new counsels without their advice, they were absolute strangers to measures they detested, and of which they could not avoid being looked upon as the authors. If this is true, it proves undeniably, that, however honorable the terms were on which this triumvirate accepted of office, they were too much intoxicated with its charms to suffer any nice care of reputation, or delicate idea of honor, to deprive them of its possession; since, from the accusation of the six members, in the upper house, there was time enough for these new officers of state to interpose their salutary advice to the prevention of the other more unjustifiable proceedings. The King, notwithstanding his promise, persisted in governing himself by the counsels of others, to the great detriment of their reputation; and their resentment on this produced only an inclination not to be chief managers of his business in the lower house. Falkland, Colepeper, and Hyde, were taken into the King's service by the especial recommendation of the lord Digby. Falkland had scruples on undertaking so invidious a task, lest more should be expected from him than he could honestly comply with; but

vote, that the King had violated the privilege of parliament; that they could not sit any longer at Westminster, without a full vindication of so high a breach of privilege, and a guard for the safety of their persons *: it was resolved to adjourn till the eleventh †. A committee of twenty-five was appointed to sit in Guildhall, to consider of all things concerning the good and safety of the city and kingdom; and particularly how the privilege of parliament might be secured. This committee had the direction of the Irish affairs; and all who chose to attend had voices. A message was sent to the Lords, to acquaint them with what had passed the day before, and with their resolutions.

Anno 1641.
The parliament adjourn.

Journals of Commons, vol. II. p. 363.

but Hyde persuaded him out of these. Indeed the scruples of the latter seem not to be very nice; he laments, that the King did not, previous to the accusation, apprehended the six members, and keep them in such close custody that nobody should have heard from them, nor they from one another: "All which, says he, would not have been very difficult; and then the high spirits of both the houses might have been dejected enough to have been treated withal." It is a question, which of the two, Digby or Hyde, were more erroneous in their notions concerning the laws of the constitution, and the temper of the times: Hyde gravely censures the secrecy with which the intention of accusing the six members was kept, because it prevented the King's friends from taking advantage of the consternation of the house to press something to his satisfaction. *Clarendon's Hist.* vol. I. p. 268, 284, 306.

* The first order passed was, That the door should be locked, the key brought up, the outward rooms cleared of all persons but the servants of the members; that no member should go out without leave; and that some of the servants should be sent to see what numbers of people were repairing towards Westminster. *Nelson*, vol II. p. 823.

† The Lords adjourned themselves till the time fixed for the re-meeting of the Commons, and appointed a committee for Irish affairs, which should have power to adjourn themselves from time to time, and from place to place, as they should see cause. *Parl. Hist.* vol. X. p. 168. *Nelson*, vol. II. p. 822.

Anno 1641.
Complai-
sance of the
city. Clar.
Hist. vol. I.
p. 285.

They peti-
tion the
King. Huf-
bind's Col-
lections, 4to
ed. 1643, p.
45, & seq.

The reception which the committee of the house of Commons found from the city was of the most respectful kind: a guard of substantial citizens ready to attend them; a committee of the common-council appointed to bid them welcome, and to assure them, that the city would protect them from violence; that the guard should be relieved twice a-day, if they resolved to sit morning and afternoon; and, that the city might know their pleasure, and what was required of them, they had appointed a committee of aldermen and common-council-men to meet at the same hour they met. Nor were these all the marks of affection which the city of London shewed to the parliament and their cause. They presented a petition to the King, expressing their fears and distractions by reason of the progress of the bloody rebellion in Ireland, fomented by the Papists in England and their adherents; the want of aid to suppress them, the several intimations they had had, both foreign and domestic, of the driving on designs tending to the utter ruin of the Protestant religion, and the lives and liberty of the subject; the putting out persons of trust from the charge of the Tower; the preparations there lately made; the fortifying Whitehall with men and munition, in an unusual manner*, some of which men, with provoking language and violence, had abused and wounded the citizens; the late endeavors used to the inns of court;

* The committee of the house of Commons, had received information, that on the fourth of January, the day in which the King came to the lower house to seize the five members, the lieutenant of the Tower permitted one hundred arms, two barrels of powder, and match and shot proportionable, to go out of the Tower to Whitehall. *Rushworth*, vol. IV. p. 480.

the calling-in cannoneers and other assistance into the Tower; the late discovery of divers fire-works in the hands of a Papist; and the misunderstanding between his majesty and the parliament; the fears of the petitioners being exceedingly increased by his majesty's late going into the house of Commons, attended by great multitudes, besides his usual guard, for the apprehending divers members of that house, to the endangering his sacred person, and the persons and privileges of that honorable assembly; the effect of these fears tending to the overthrow of trade, and threatening the ruin of the Protestant religion, and the liberty of the subject. The petitioners therefore prayed, that, by the advice of the parliament, the Protestants in Ireland might be speedily relieved; the Tower put into the hands of persons of trust; unknown and doubtful persons might be removed from about Whitehall and Westminster; an approved guard appointed for the safety of his majesty and the parliament; and that the lord Kimbolton, and the five members of the house of Commons, lately accused, might not be restrained of liberty, or proceeded against otherwise than according to the privilege of parliament *.

* In the exordium the petitioners say, That his majesty's frequent declarations of his great care of the good and welfare of the city, of the true Protestant religion, and of protecting and preserving the persons and privileges of his great council assembled in the high court of parliament, encouraged them to address him on these subjects. The King, in his answer to this petition, says, that he had removed Lunsford, a servant of good trust and reputation, from the charge of the Tower, only to satisfy the fears of the city. He farther asserts, That if the petitioners considered the gentle way he took for the apprehension of those he had accused of high-treason, which he preferred before any course of violence, they would believe his going to the house of

Anno 1641.

It was resolved by the committee of the house of Commons, that the sheriffs of London and Middlesex should raise the *posse comitatus* for their safe coming to Westminster, the day that assembly should meet again. On this occasion the watermen and sailors tendered their service to guard them by water; and the apprentices to accompany them by land. The first offer was accepted, but the last was civilly refused *.

Commons was an act of grace and favor to that house, and the most peaceable way of having so necessary a service performed, *Rushworth*, vol. IV. p. 480, & *seq.* *Husband's Collections*, p. 45, & *seq.*

* The committee told them, that they were sensible of their former readiness to guard the parliament; they hoped to see them have redress in due time; but desired them to stay at home the day the houses met. A ship which at this time arrived in the Thames, loaded with arms and ammunition, raised the suspicion of the committee: they ordered her to fall down the river out of the command of the Tower, and that the master of her should call to his assistance a sufficient force to resist any endeavors which should be made to take her lading out of her: by an order of parliament, the ammunition with which this ship was stored was sent to Ireland.

In the speeches which were made on the occasion of the late high breach of privilege, Mr. Grimstone asserted, among many other articles, That it was a privilege of parliament, not to be broken off or dissolved till all the grievances and oppressions of the subject were fully redressed and remedied; that it was a privilege of parliament, not to be broken off or dissolved till all incendiaries and delinquents of the state were brought to condign punishment. Mr. Glyn, on the same occasion, asserted, that to cause any information to be brought or preferred against any member of parliament into the house, without the consent of the house, was a breach of privilege; to prosecute and proceed against them upon such an accusation, without the consent and advice of parliament, was a breach of privilege; to endeavor to create an evil opinion in the hearts of the subject against such accused members was a breach of privilege; for any officer or serjeant to come in open parliament to demand and arrest any such member accused, be it of high treason or any crime whatsoever, without the knowledge of the whole house,

Charles began now severely to feel those distresses and difficulties into which his conduct had driven him. It has been represented, that, before this measure, his affairs began to wear a favorable aspect; all the staunch adherents to monarchy, and idolaters of old forms and ceremonies, of which there were not a few in both houses of parliament, looked with disgust and horror on those noble principles of Liberty on which it was obvious the leading members of the house of Commons intended to model the constitution. These illustrious legislators labored under the difficulties which ever attend designs of this nature, where the power of execution remains in the body of the people.

Societies whose systems of policy are framed

house, was a breach of the privilege of parliament; to set forth any proclamation to apprehend such accused persons, or prohibit their repair to parliament as members thereof, without the advice and consent of the whole state assembled and sitting in free parliament, was a manifest breach of privilege. Sir Simon d'Ewes, on the same occasion, said, that there was a double privilege of parliament, the one final and the other temporary; that its final privileges extended to all civil causes and suits of law; and the other, which was temporary, to capital causes, in which the persons and goods of the members of both houses were freed from seizure till the said houses were first satisfied of their crimes, and did deliver them up; that otherwise all privilege of parliament must be destroyed, and the houses be deprived of their members on false and imaginary charges.

—Arguments of a like nature as these urged by Sir Simon d'Ewes, were urged against the passing that memorable resolution in the year 1765, in which the parliament declared they had no privilege in case of libels. They undoubtedly had their weight, though not immediately operative; since the resolution of giving up this important part of parliamentary privilege was cancelled in less than a year. *Journals of the Commons*, vol. II. p. 408. *Somers's Tracts*, vol. VI. p. 64, & seq. *Parl. Hist.* vol. X. p. 184, & seq. 188.

Anno 1641. on partial principles of convenience to the few, and not to the equal advantages and immunities of the whole, cannot admit of those modes of education which perfect the reason of man, reason being an irresistible enemy to such systems. Under governments of this kind, the common herd of men are incapable of judging of argument, and must be led to action by their passions, not by their understandings. Pym, Vane, Hamden, and the other popular leaders, were too sensible of this necessity to trust the public with their plan, or to attempt the explaining political truths to the vulgar and illiterate. To prevail with these to be the agents of their own happiness, they endeavored by every political art to keep up their disgust to the character of the King, and their apprehensions of his treachery. The plot to bring the army against the parliament, the rumor of an intended assassination in Scotland, the Irish massacre, the petulant indiscretion of several Papists and virulent royalists, had furnished them with fuel to support, for some time, the flame of popular discontent : but passion is a principle as unsteady and uncertain as judgment is cool and determined. Already the zeal of the populace began to subside : the faction of royalists was not idle : every plausible quality in the King's character was exaggerated to a high degree of moral virtue ; every probable excuse was framed for his past conduct ; every treachery with which he had been charged was denied ; the attributes of piety, virtue, and honor were given to him : these, it was asserted, would prevent his harboring malice against those who had opposed him to the prejudice of his regal rights ; these would prevent his undertaking any designs against the democratical principles they had introduced

roduced into the government: This being the case, concluded the royal partizans, it will be the wiser conduct to enjoy our new acquired rights with tranquility, and suffer our sovereign to possess the remaining articles of prerogative untouched, rather than, by endeavoring at the attainment of superior privileges, to unhinge a fixed government, and incur the dangers and inconveniencies of anarchy.

False as were the positions on which these arguments were built, they began to have a prevalent effect, when the accusation of the six members, and the assault on the house of Commons, determined the King's character, and made a full discovery of his sentiments. There remained now no doubt, that his late condescension was not only constrained, but that he thought himself despoiled of his lawful authority; and that those who had brought him into the necessity of parting with it, or had taken advantage of that necessity, were guilty of treason. In this case the parliament itself could not be innocent. If the subverting the King's government was treason; viz. the depriving him of the power to impose taxes, imprison his subjects, exercise martial law, innovate the established form of worship, and assume a despotic power over the consciences of his people; if this was treason, then was the whole parliament guilty. If the recital of the King's mal-administration, in the preambles of several acts of parliament, and particularly in the remonstrance of the state of the kingdom, were foul aspersions on the King and his government, then was the house of Commons a principal offender. If by "placing in the subject an arbitrary and tyrannical power," was meant the enlarging the jurisdiction of parliament,

Anno 1641.

liament, and assuming an act by which that parliament was not to be dissolved or prorogued without their own consent, then were the majority of both houses criminal in a high degree. If the appointing a guard of the trained-bands to watch over the security of parliament was raising an illegal force, then was the whole parliament involved in the same guilt as the six accused members. If the inviting the Scotch army to come into England was treason, then was the Scotch invasion the highest act of treason; notwithstanding it had been solemnly declared, by the mouth of the whole legislature of both kingdoms, that it was a laudable exertion of duty; then were the Scotch covenanters yet criminal, and the parliament of England guilty of treason in rewarding them with a present of three hundred thousand pounds, and paying them the whole expence of their expedition, instead of enabling the King to subdue them by force of arms. If the parliament was compelled by violence and terror to these acts, through tumults raised and countenanced by the six members, then was every thing which had been done by this parliament null and invalid*.

* On the reading the protestation of the twelve bishops in the house of Peers, the lord Digby said, that the parliament was not free, and that all acts, votes, and laws which should be enacted in the absence, and without the assent of the bishops, would be of none effect. This was so far resented by the Lords as to occasion them to pass a vote, That the parliament was a free parliament. Intelligence of this passage having reached the Commons, they desired, that lord Digby should answer to the information, or otherwise be proceeded against as the parliament should think fit: the hurry of more important matters prevented the farther prosecution of this business. *Parl. Hist.* vol. X. p. 151, & seq.

If

If the King was sincere, when he declared himself tender of the liberties of his subjects, and tenacious of the privileges of parliament, at the same time he intended an assault on the whole house, then his opinion of the liberty of the subject, and the privilege of parliament, was yet of a nature so peculiar as not to interfere with the highest acts of tyranny and usurpation.

This was too obvious not to be the reasoning of the most common understanding. Artifice to aggravate the King's actions was now no longer necessary; himself had proved every thing which his enemies had conjectured; and the majority of both houses were now convinced of the necessity of curtailing a power which, it was apparent, would be used to such pernicious ends †. The only question which at present remained undetermined was, the bounds within which it would be expedient to confine it*. Charles, either apprehensive of danger from the enraged multitude, or unable to bear the triumph of his enemies, retired to Hampton-Court the day before the appointed time for the re-meeting of parliament ‡.

The King
retires to
Hampton-
Court.

† “It could not be conceived, says Rapin, that, at a time when the moderate members began to unite in the King's favor, in order to establish a solid peace, he should run into an action so odious and obstructive of it, had he not intended to subdue the parliament by force.” *Rapin*, vol. XI, p. 328.

* The Lords were so surprized and alarmed at the King's pretensions, that they inclined rather to trust their privileges with the supposed levelling spirit of the times, than with the royal prerogative, in the hands of so determined a tyrant.

‡ It is said that Mr. Pierpoint, an active member in the court-opposition, told the King, that, if he went away, a civil war must ensue; that, if he would stay, a little time and patience would bring all things to rights. This was the opinion of the most sensible of the King's party. The lord-

Anno 1641.
Re-meeting
of parlia-
ment, with
the trium-
phant return
of the com-
mittee, and
the six ac-
cused mem-
bers.

Great was the solemnity and state with which the committee; and with them the six accused members, were conducted to Westminster. The city trained-bands formed a triumphant and military procession †. The Thames was covered with boats and other vessels, furnished with ordnance, and adorned with flags and streamers †; nor were there wanting drums, trumpets, or any kind of martial music. When the re-assembling of the parliament was signified to the multitude, the event was signalized by the sound of trumpets, the beat of drums, the discharge of ordnance on the water, and musquets on the land, intermixed with the loud shouts and congratulations of the people*; many of

lord-mayor and the two new-knighted sheriffs, Sir George Whitmore and Sir Henry Garroway, told him, That, if he went, he would leave the city open to his enemies, to do as they pleased; and that they were sure to be the first undone: on the King's telling them, he was resolved, Sir Henry Garroway sorrowfully replied, "Then, Sir, I shall never see your face again." The earls of Essex and Holland, holding offices in the King's household, were ordered to attend him on his journey; but such an ill impression had the public received of him, that these lords refused to go, on suspicion of foul intentions against their lives. *Echard*, p. 522. *Clarendon's History*, vol. I. p. 297.

† Some of the trained-bands carried upon the top of their pikes the protestation enjoined by parliament, and others the printed votes of the King's breach of privilege. *Echard*, p. 522.

† The committee, and with them the six accused members, came to Westminster by water, at the head of the naval procession. *Rushworth*, vol. IV. p. 484.

* Such was the ambition of the public to signalize themselves upon this occasion, that they lamented as a misfortune not to have part in the actions of this day's solemnity. The militia of Westminster, fearing the Commons did not put that confidence in them as they did in the city trained-bands, presented a petition expressive of much affection to the house, and of great grief and distraction at being suspected to be wanting in duty and respect. *Nelson*, vol. II. p. 839.

them,

them, in derision, as they passed by Whitehall, Anno 1641. crying, "What is become of the King and his cavaliers?" The house of Commons confirmed all the acts of their committee. A declaration which had been drawn up by their orders was agreed to and published: In this the Commons assert, that the sealing up the chambers, studies, and trunks of the accused members, by color of the King's warrant, was both against the privileges of parliament and the common liberty of the subject; that the proceedings which followed were against the fundamental rights of the people: "Whereupon, says the declaration, we are necessitated to declare, that any person who shall arrest Mr. Holles, &c. or any other members of parliament, by color of warrant issuing from the King only, is guilty of the breach of the liberties of the subject, the privileges of parliament, and a public enemy to the commonwealth; and that the arresting the said members, or any other member of parliament, by any warrant soever, without consent of that house whereof such a person is a member, is against, &c. &c. *"

Declaration
of the par-
liament.

* The declaration farther sets forth, That, upon several examinations, it did fully appear, that soldiers, Papists, and others, to the number of five hundred, armed with swords, pistols, and other weapons, attended the King to the house of Commons; that they pressed up to the door of the house, thrust away the door-keepers, and placed themselves between the door, and the ordinary attendants on his majesty held up their swords and pistols, and cried, "I am a good marksman, I can hit right I warrant you;" that they would not suffer the door to be shut, according to the custom of parliament, and assaulted and disarmed several of the attendants of the members; that some of them said, "When comes the word?" and expressed discontent that the members for whom they came were not to be found; on being demanded, what they thought their company intended to have done? they answered, "Questionless, in the

Anno 1641.
The parliament appointed themselves a guard.

The house of Lords began the business of the day with voting, that it was fit and neces-

the posture we were set, if the word had been given, we should have fallen upon the house of Commons, and have cut all their throats." On all this, says the declaration, we are of opinion, that it is sufficiently proved, that the coming of the said soldiers, Papists, and others, with his majesty to the house of Commons on Tuesday last, being the fourth of this instant January, was to take away some of the members of the said house; and if they should have found opposition or denial, then to have fallen upon the said house in an hostile manner: And we do hereby declare, that the same was a traitorous design against the King and parliament. And whereas the said Mr. Holles, &c. did, with the approbation of the house, absent themselves from its service, to avoid the inconveniencies which otherwise apparently might have happened; since which time a printed paper, in form of a proclamation, bearing date the sixth day of this instant January, hath issued out, for the apprehending and imprisoning of them, therein suggesting, that, through the conscience of their guilt, they were not willing to submit themselves to justice; we do farther declare, that the said printed paper is false, scandalous, and illegal; that, notwithstanding the said paper, or any warrant issued out, or any other matter yet appearing against them, they may and ought to attend the service of the said house of Commons, and the committees now on foot; and that it is lawful for all persons whatsoever to lodge, harbor, or converse with them; and whoever shall be questioned upon the same shall be under the protection and privilege of parliament. And we do farther declare, that the publishing several articles, purporting a form of a charge of high-treason against lord Kimbolton, &c. by Sir William Killigrew, Sir William Flemming, and others of the inns of court or elsewhere, in the King's name, is a high breach of the privilege of parliament, a great scandal to his majesty and his government, a seditious act manifestly tending to the subversion of the peace of the kingdom, and an injury and dishonor to the said members, there being no legal charge against them; that the privileges of parliament, and the liberties of the subject, so violated, cannot be sufficiently vindicated, unless his majesty would be graciously pleased to discover the names of those persons who advised his majesty to issue out warrants for sealing the chambers and studies of the said members, &c." After affirming, that the house of Commons would

not

fary to have a strong and sufficient guard for the security of both houses. On receiving, to their petition on this head, an answer, that the King would direct the lord-mayor to appoint two hundred men out of the trained-bands of the city, under the command of the earl of Lindsey, to wait on both houses, they ordered Skippon, an officer who had served long and with great reputation in the Dutch service, a man universally esteemed for the goodness of his morals, who had been appointed by the committee serjeant-major of the trained-bands, to attend with two companies, till he received directions to the contrary*. A petition from

Clarendon's
Hist. vol. I.
p. 298.

not protect any of their members in any criminal act which should be in due manner prosecuted according to the laws of the kingdom, and the rights and privileges of parliament, the declaration finishes with a threatening clause against evil counsellors, and those who should endeavor to maintain division between the King and parliament. On this subject the Commons afterwards passed the following resolutions: That all privy-counsellors and great officers of state should be removed for the present, except such as had offices by inheritance; that the King should be desired to receive only such to be counsellors and great officers of state as should be recommended to him by parliament; that such counsellors and officers of state, whose names should be presented by both houses, should not have access to the persons and courts of the King and queen. The persons particularly excepted against at this time were, the lord Digby, William Murray (of the bed-chamber), Endymion Porter, William Crofts, and Sir John Wintour (secretary to the queen). *Parl. Hist.* vol. X. p. 298, & seq.

* It was ordered in the house of Commons, That the sheriffs of London and Middlesex for the time being should issue out warrants to raise as many of the trained-bands as serjeant-major Skippon should give orders for; that the same serjeant-major Skippon should have power to act on the offensive and defensive, in case of violence, to beat up drum, and raise not only trained-bands, but volunteers; that he should command these; and the Chamber of London

Anno 1641. the county of Buckingham, offering assistance
 Petition to defend the privileges of parliament, and
 from the in- to praying that the Lords would co-operate with
 habitants of the house of Commons in perfecting the neces-
 the county of sary work of reformation, bringing delinquents
 Bucks. to punishment, speedily relieving Ireland, and
 fortifying the privileges of parliament from
 future attempts, and putting the kingdom into
 a posture of defence, this day presented to the
 upper house, was brought up by four thousand
 knights, gentlemen, and freeholders, every one
 wearing a printed copy of the protestation in
 his hat. At the same time when they addressed
 the parliament, they petitioned the King, that
 Mr. Hamden and the rest of the accused mem-
 bers might enjoy their just privileges. "They
 conceived, they said, that the rights of parlia-
 ment, to the maintenance of which they were
 bound by their protestation, were much injured
 by the treatment of these gentlemen, in whose
 foul accusation the judgment of their electors
 was wounded*."

don should issue out ammunition of all sorts in such pro-
 portion as he should direct. *Journals of the Commons*, vol. II.
 p. 382.

* Mr. Hamden was knight of the shire for the county
 of Buckingham. The petitioners tendered their service to
 the house of Commons, and prayed, that Popish lords, and
 bishops, might be forthwith outed the house of Peers.
 The Commons gave them their particular thanks; assured
 them that they would spend their lives and fortunes in
 defence of the liberties of the subject: they were at present
 sufficiently secured by the great care of the city; but if
 occasion required their assistance, they should have timely
 notice. The gentlemen and others of the county of Essex
 addressed the Lords in the same manner, and to the same
 purport, as the inhabitants of Buckinghamshire. Petitions
 from the county of Devon, the county of Kent, Suffolk,
 and the city of Exon, were likewise delivered to both
 houses. *Echard*, p. 522. *Nelson*, vol. II. p. 840. *Journals*
of the Commons, vol. II. p. 391, 420, 423.

The lord Kimbolton entreated the Lords not Anno 1641. to permit him to lie under a charge which concerned his life, his estate, and his honor, but that they would command the attorney-general to prosecute the accusation against him; he was ready to answer. On this request, the attorney-general was commanded to declare what he knew concerning the prosecution. He, after having excused himself, on the express command of the King, for the part he had acted in this business, said, "He did not yet know what course the King intended to take." The next day, the house received the following message: "That his majesty taking notice that some think it disputable whether his proceedings had been legal, and agreeable to the privileges of parliament; and being very desirous to give satisfaction to all men in all matters which may seem to have relation to privilege, is pleased to wave his former proceedings; and all doubts being by this means settled, when the minds of men are composed, he intends to proceed therein in an unquestionable way; and assures his parliament, that he will be as careful of their privileges as of his life and crown."

The attention of the Commons was engrossed by a very important object. The arms and ammunition of the late army had been, by the King's command, laid up in the town of Hull. Previous to the attempt of seizing the five members, he had sent the earl of Newcastle, a man of great property and interest in the county (and who, in the style of the times, was an inveterate malignant*), down with a private

The parliament secure the town and garrison of Hull.

* He was to have had the command of the army which was designed to be brought up to awe the parliament.

Anno 1641. commission to be governor, and to draw into
 the town as many of the county, who were of
 the same stamp, as should be necessary to guard
 the place. Captain Leg, who had been deep
 in the army plot, and was now under bail, was
 to have the charge of the town and the ammu-
 nition; and directions were given him to draw
 in as many of the trained-bands as he could.
 This coming to the knowledge of the parlia-
 ment, the lords who were bail for captain Leg
 were ordered to bring him in. The earl of
 Newcastle was sent for by the Peers to attend
 his duty in the house; and matters being, as
 Clarendon says, not ripe enough for action, he
 was commanded by the King to obey the sum-
 mons. The Commons took the alarm; and
 sent to the Lords to inform them, that there was
 at Hull a magazine of the King's, with arms
 for sixteen thousand men, and proportionable
 ammunition; that no great strength was in the
 town; and that the country about was full of
 Papists: therefore the Commons desired their
 lordships would join with them in an order,
 that some companies of the trained-bands be
 immediately put into the town, under the com-
 mand of Sir John Hotham*, who had the care
 of that place by patent from the King. The
 Lords immediately agreed to this request, with
 the following addition: "That Sir John Hotham
 shall not deliver up the town of Hull, the ma-
 gazine, or any part thereof, without the King's

* The Commons had before shewn symptoms of jealousy
 on this subject, and had made fruitless attempts to remove
 the ammunition at Hull to the Tower of London. *Nelson*,
 vol. II. p. 447, 643.

authority, signified to him by the Lords and Commons now assembled in parliament ‡. Anno 1641.

Distrust, jealousy, and fear, equally possessed both houses. Informations were continually given in of concealed arms, insurrections, intended assassinations: one Francis Moor, an Italian, had overheard a discourse in which the earls of Northumberland, Essex, Holland, Pembroke, and Leicester, were doomed to slaughter. A bill, that the Lords and Commons might adjourn themselves respectively to any place, was brought up by Sir Philip Stapleton, read three times in the house of Lords the same day, and passed without contradiction*. A common terror effected a perfect conformity of action in both houses. Information having been given, that ammunition and provision in great quantity had been carried out and into the Tower, the Lords joined with the request of the Commons in passing an order, that a convenient guard,

The parliament manifest symptoms of distrust.

† The sheriffs of London were thanked by the house of Commons for the love the city had expressed to the parliament. The land and sea-officers who conducted the committee to Westminster, received the same compliment; and a resolution passed both houses, to justify all those who were active in the guard and defence of the parliament, and to vindicate Skippon's accepting the office of serjeant-major-general of the forces of London. The protestation was again recommended to be universally taken; and it was ordered, that a sufficient number of declarations should be printed, and sent down to the several counties. *Nelson*, vol. II. p. 838. *Journals of the Commons*, vol. II. p. 389, 390.

* An order passed the lower house, that an additional lock should be set upon the door under the stairs; that it should be searched every morning; that it should be referred to the committee appointed to search about the houses and places near the parliament-house, to take daily care that they be safe guarded, and kept secure. *Nelson*, vol. II. p. 846.

Anno 1641. both by land and water, should be put round it, under the command of major-general Skippon; and that the earl of Newport (master of the ordnance), the lieutenant of the Tower, and the under-officers, should not suffer any ordnance or ammunition to be carried out of it without the King's authority, signified by both houses of parliament. Sir John Byron being sent for on the occasion of giving out arms and ammunition, on the fourth of January, refused to attend, on the excuse that he had an order from the King not to stir out of the Tower. He was again commanded to come, on his peril*; the second summons he obeyed: After having answered those questions which were put to him, and kneeled at the bar of both houses for his contempt to their first order, he was dismissed without farther censure. Information was given, that the lord Digby, colonel Lunsford, and the other disbanded officers, who had formed the King's guard during his residence at Whitehall, and had attended him in his expedition against the parliament, to the number of two hundred horse, had appeared in warlike array at Kingston in Surry, where the magazine of arms for the county lay; that two cart-loads of ammunition were going to them, and the whole convoy was supposed to be bound for Portsmouth†. On

* The Lords asserted on this occasion, that the King's command was always supposed to be implied in an order of their house. *Parl. Hist.* vol. X. p. 201.

† Some great saddles, which were going at the same time to Kingston, were seized by order of the Commons. Mr. Bagshaw, member of the lower house, gave information, that, the preceding night, he saw at Windsor, where the court then was, troops of horse to the number of four hundred; that there came a waggon laden with ammunition thither; and that a messenger, with another waggon of

this it was ordered, that the sheriffs, calling to their assistance the trained-bands of the several counties of England and Wales, should suppress all unlawful assemblies gathered together for the disturbance of the peace of the kingdom; and that they take care to secure their counties and magazines. Orders were given, that the trained-bands of Suffex and Hampshire should be sent to suppress lord Digby's party, and to prevent the carrying arms and ammunition to Portsmouth. The same injunctions were given to colonel Goring, governor of this town, as had been given to Sir John Hotham; viz. That he should not deliver up the town, or receive any forces into it, but by his majesty's authority, signified by both houses of parliament. The Lords sent an express order to lord Digby to give his attendance on the house; but he, knowing the parliament had received intimation that he had been deeply concerned in the late attack on their privileges, thought it prudent to fly the kingdom.

The Scots, considering the King's prosecution of the six members as an attempt to invalidate the articles of peace, took the alarm. Their commissioners interested themselves so far in the quarrel between the King and his English parliament as to send him a petition, in which they offered their endeavors for the composing the differences of both kingdoms. They said, they

The Scotch commissioners interest themselves in the quarrel between the King and parliament.

of the same lading, went from thence to Portsmouth. On this an order passed both houses, that serjeant-major Skippon should appoint ten horsemen to be employed as scouts, to give intelligence if any forces did approach the city; and also to appoint boats and small vessels to be upon the river for the like service. *Rushworth*, vol. IV. p. 496, & *seq. Nalson*, vol. II. p. 859. *Journals of the Commons*, vol. II. p. 380.

Anno 1641. were bound to maintain the peace and liberties of each other, as the assured means of the safety and preservation of their own; that they, his majesty's commissioners of the kingdom of Scotland, found themselves warranted and obliged to labor to keep a right understanding between him and his people, to confirm the brotherly affection between the two nations, and to advance the unity by all such ways as should promote the glory of God and the peace of the church. They were sorry and grieved to behold the distractions which encreased daily between him and his people; distractions which, they conceived, were entertained by the wicked plots and practices of Papists, prelates, and their adherents, whose aim had been not only to prevent all farther reformation, but to subvert the purity and truth of religion in all his kingdoms. They beseeched him to have recourse to the sound and faithful advice of the honorable houses of parliament, and to repose thereupon as the only assured and happy means to establish the prosperity and quiet of England, and prevent those apprehensions of fear which might possess the subjects of his other kingdoms, if they should conceive the authority of parliament, and the rights and liberties of his subjects, called in question. An offer of mediation, expressed in the like terms, was sent by the Scotch commissioners to both houses of parliament, with a copy of the petition they had sent the King. The parliament gave them thanks for the advice they had given; and assured them, they were much satisfied with the large testimony of fidelity they had shewn his majesty, and affection to the state*. The freedom of this un-

* It was ordered by the house of Commons, that the citizens who served for the city of London should take care that the Scotch commissioners paid nothing for their house-rent

expected expostulation filled Charles with the utmost indignation : he sent a message of reproof to the commissioners, and a letter of complaint to the earl of Lanerick, his secretary for Scotland. He desired him to remember the expressions which the Scots used to him when he was among them : that they would hazard life and fortune for the maintenance of his temporal power ; and even in matters ecclesiastical, though they wished uniformity, they would not interest themselves farther than should be with his knowledge and good liking : he did conceive, the commission granted by him in parliament was for finishing the remainder of the treaty, settling trade and commerce, and keeping a right understanding between the two nations, not between him and his parliament : it is true, they were to receive their instructions from the council ; but he thought those instructions were to have been limited to these generals, which could never reach to this particular, but in so far as he should know and approve ; which he conceived to be the only means to preserve the happy understanding now established between him and his native kingdom. He desired a duplicate of all the instructions which had been given, or should hereafter be given, to the commissioners ; and, in case there should arise any dispute between him and his parliament about the nomination of officers, he desired the Scots to remember on what grounds he was induced to yield in this particular to his subjects of Scotland, viz. his necessary absence from that his native kingdom : and that they often did promise him, in private, when

rent and furniture ; the house would take care to see it satisfied. *Journals of the Commons*, vol. II. p. 384.

Anno 1641. occasion should offer, to declare that England ought not to urge it as a precedent for them*.

The Commons make new attempts to wrest the power over the militia from the King, and publish a declaration for putting the kingdom into a posture of defence. Nalson, vol. II. p. 850, & seq.

The steps hitherto taken by the parliament, were but preparatory to the putting themselves into that state of defence, which every measure of the King, since the accusation of the six members, rendered necessary. The Commons called for the bill for settling the militia, which had lain long in their house: it now passed without opposition, with the following addition; “That all the forts, castles, and garrisons of the kingdom should be put into such hands as the parliament could confide in.” A declaration, in the name of both houses, for putting the kingdom into a posture of defence passing the Commons, was published; though it was not agreed to by the Lords †.

* In the postscript to this letter, the King tells the secretary, that he had ordered the bearer to inform him some things he did not think fit to write. The contents of this letter explain clearly the motives of the King’s concessions to the Scots. It shews him, at the same time, a great dupe to his schemes of deceiving. The Scots could never secure the privileges they had obtained, either civil or ecclesiastical, but by reducing the King’s authority in England to the same standard to which it had been reduced in Scotland.

† It set forth, that the Papists and others ill-affected, by many wicked and traitorous designs, which had been enumerated in a remonstrance of the state of the kingdom, having plotted the confusion of the state and government, and to bring this kingdom into the like miserable condition with that of Ireland, to the end they might effect their purpose for the utter destruction of the reformed religion, had and did continue to raise distractions by high breaches of parliament; such as resorting in numbers to the very doors of the house, intending, as by divers examinations clearly appeared, to fall upon the members; whereby the parliament might have been involved in blood and confusion, the relief of the Irish Protestants prevented, and an evident and speedy way opened to the ruin of religion and the kingdom: That they still persisted in their wicked and traitorous courses, confederat-

The Commons, who had before moved the Lords to join with them in means for the removal of Sir John Byron, renewed their request, alleging Sir John Byron's disobedience to the summons of both houses as a sufficient ground for distrust: That the great discontent of the city, on his being continued in that important post, produced ill effects; the merchants began to draw their bullion out of the mint, and had written to their factors to send no more. The demand of the Commons was seconded by a petition from several merchants

ing themselves with strangers, instigating foreign princes to join their counsels, had made great preparation of arms, ammunition, and victuals; and had enrolled themselves under the command of persons fit for the execution of their wicked designs: That they had prevailed so far as to have the Tower of London, and other places of eminent strength, put into the hands of such persons as the parliament had just cause to suspect would adhere to them. This the Lords and Commons, as watchmen trusted for the welfare of the King, church, and state, and laboring by all fit means to prevent such threatening dangers to the King's person, the religion, lives, liberties, and fortunes of his people, did think good to advertise to his majesty's subjects of the reformed Protestant religion; declaring, that they think it adviseable that, with all expedition, they put themselves in a posture of defence, to provide fit arms and ammunition; and to be ready, on all occasions, to defend their several counties from domestic insurrections, or foreign invasions: And that the sheriffs, justices of the peace, mayors, and head-officers, within their several liberties, did take care that their magazines of powder, arms, and other ammunition, be completely furnished; and that they cause strong guards and watches to be set in convenient places, to secure themselves; and for the apprehending such persons as they shall have just cause to suspect; and if, upon examination, any grounds of danger shall appear, to give notice to the parliament; and that all officers do take care that no soldiers, arms, or ammunition, be raised or levied, nor any castles, forts, or magazines delivered up, without his majesty's authority, signified by both houses of parliament.

and

Anno 1641. and goldsmiths : But, on the question being put, whether the Lords should join with the lower house in a petition for the removal of Sir John Byron, it was carried in the negative *.

The parliament re-adjourn and appoint a committee to sit at Grocer's-hall with a guard.
Jan. 20.

The King not giving his consent to the bill for the parliament's adjourning itself to the place they should judge most convenient, a committee of Lords and Commons were appointed to meet at Grocer's-hall in London, to consider of the safety of the kingdom, the privilege of parliament, the affairs of Ireland, and concerning settling the present distempers. Serjeant-major Skippon and the trained-bands were appointed to guard the committee, and both houses adjourned to January the twenty-fourth †.

Whilst the sons of Liberty were thus triumphing in the capital, the King continued, for some time, in a dejected condition at Windsor, fallen from a height of dreaded greatness to a state which excited the pity of his friends and contempt of his enemies ; his creatures and partizans, who before the last fatal measure had begun to triumph over

* Against this negative the following peers entered their protest: Earls of Northumberland, Bedford, Pembroke, Leicester, Sarum, Warwick, Holland, Bolingbroke, Stamford; viscount Say and Seale; Lords Wharton, Paget, North, Hunsdon, Willoughby de Parham, Spencer, St. John, Brooke, Roberts, Grey de Werk, Newnham, Howard de Efrick. *Parl. Hist.* vol. X. p. 218.

† The King having again sent to the earls of Essex and Holland to attend him, they acquainted the house of Lords with the command, and desired to know their pleasure: It was resolved, that their absence could not be dispensed with in respect of the urgent affairs then depending. On this the two earls sent a message to the King, that, in obedience to his writ, they were obliged to assist in parliament: and their attendance there, about the high affairs of the realm, was truer service to his majesty, than any they could do him at Hampton Court. *Parl. Hist.* vol. X. p. 214.

opposition,

opposition, hardly daring to avow the attachment they still retained for his fortunes. Overwhelmed

Anno 1641.

with grief and shame, he lamented the precipitation of his conduct; till, roused from this state of remorse by the activity of the queen's intriguing spirit, he entered into new counsels, to recover his power, and to revenge himself on his enemies. It was at first resolved, that the queen

New projects of the King.

should secure Portsmouth*; and that the King should take possession of the town of Hull; but, on the queen's receiving intimation that the houses intended to impeach her of treason, it was concluded that, under pretence of conducting her daughter, the princess Mary, to her husband, she should herself negotiate the preparatory business to raising an army; viz. to pawn her own jewels, and the jewels of the crown, for arms and money; and solicit the assistance of her son-in-law the prince of Orange, and other foreign states: That the King should retire to the North, there assemble his friends and adherents, raise levies, and secure Hull, with the magazine; that town affording a good harbor to receive auxiliaries from abroad; and that, in case of disappointment, he should go to Ireland: That the King should proceed slowly, to allow time for negotiation; and, if possible, to bring back the parliament to a sense of their duty, by gentler methods than force of arms: That, whilst the necessary preparations were making, he should endeavor to temporise*. Pursuant to this plan, a message, containing the

Orleans,
p. 53.

* Clarendon tells us, that Goring, the governor of Portsmouth, had found means to make good impressions again in their majesties of his fidelity.

* Clarendon, in his Life, says, That this concert made with the queen shut out all opposite consultation. *Clar. Life*, vol. I. p. 112.

following

Anno 1641. following proposition, was sent to the Lords;
“ That they would, with all speed, fall into serious consideration of all those particulars, which they should hold necessary, as well for the upholding and maintaining his majesty's just and regal authority, and for the settling his revenue, as for the present and future establishment of their privileges, the free and quiet enjoying their estates and fortunes, the liberties of their persons, the security of the true religion now professed in the church of England, and the settling of ceremonies in such a manner as should take away all just offence. Which when they had digested and composed into one entire body, that so his majesty and themselves might be able to make the more clear judgment of them, it should then appear, by what his majesty should do, how far he had been from intending and designing any of those things, which the too great fears and jealousies of some persons apprehended; and how ready he would be to exceed the greatest examples of the most indulgent princes in their acts of grace and favor to their people.”

Though there is something in the style of this message princely to a ridiculous degree, considering the low state into which the King, by his imprudence, was fallen, yet the Lords received it with transport; and, after having communicated it to the Commons, with the following preface, That they had received a message from his majesty which filled their hearts full of joy and comfort, they sent their most humble thanks to the King for his proposition, expressive of much grace and favor to his subjects; which they should take into such speedy and serious consideration, as its importance did require. The concurrence of the
Commons

Commons was desired to this message of thanks : Anno 1641.

But, instead of an answer, a conference was demanded by that house, concerning the security of the town of Hull *.

The Commons, more wary than the Lords, Cautious of the Commons. immediately fathomed the depth of the King's policy : That he wanted to find the parliament an employment of such consequence as should engross their whole attention, whilst he was making preparations to enable him to vindicate his own terms : that he wanted to discover and expose the utmost views of the party : That he wanted to make the people believe he was willing to consent to whatever should be productive of a perfect reconciliation between him and his parliament ; at the same time when the general expression of the proposition bound him to no particular obligation, and left him always master of the terms of accommodation The Commons proposed to the Peers the following addition to their answer ; viz. " That his majesty would be pleased to put the Tower of London, with all the ports and militia of the kingdom, into such hands as the parliament could confide in." The Lords denying their assent to this addition, thirty-

* When the order of the parliament came down for delivering up Hull, and its magazines, to Sir John Hotham, the mayor scrupled to obey, on account of the King's letter in favor of the earl of Newcastle. The mayor was summoned to attend ; and, submitting himself to the directions of parliament, Sir John Hotham was put into possession of the command of Hull. When the parliament acquainted the King with their orders concerning Hull, he returned answer, " That he had formerly considered the subject of their fears, and had already taken special care for the security of that place."

Anno 1641. two peers protested * ; and the Commons sent up a petition in their own name †.

No less cautious and determined was their conduct in the business of their violated privileges, and the prosecution of the six members. At the request of the parties, the parliament petitioned the King to declare what proofs there were against them, that they might be speedily proceeded against in a parliamentary way. The King's answer was artful. He desired the parliament to resolve, whether he was bound, in respect of privilege, to proceed against the members by impeachment in parliament ; or whether he was at liberty to prefer an indictment at common law ; or to have his choice of either ? Thus did he evade discovering to the public the principles on which he founded his charge of treason ; and endeavored to bring the Commons into the difficulty either of refusing what carried the appearance of justice and moderation, or to give up a point of Liberty, in submitting to be tried by the Lords ; or to trust an indictment at law, where the rational part of their plea would be over-ruled, viz. That it was the King's ministers had committed treason, in endeavoring the subversion of the constitution ; in changing, by a tyrannical administration, the government into an absolute

* Earls of Essex, Warwick, Pembroke, Holland, Stamford, Bedford, Leicester, Clare, Lincoln, Sarum, Bolingbroke, Peterborough, Thanet, Nottingham ; viscounts Say and Seale, Conway ; Lords Paget, Kimbolton, Brooke, Roberts, North, Wharton, St. John, Spencer, Newnham, Willoughby, Bruce, Dacres, Howard de Efrick, Grey de Werk, Chandois, Hunsdon. *Parl. Hist.* vol. X. p. 233.

† In this petition was inserted, That the Peers having refused to join with them, they notwithstanding, no way discouraged, but confiding in his majesty's goodness, did humbly beseech him, &c.

monarchy ;

monarchy; and subjecting the liberties and properties of the subject to arbitrary will and pleasure: That to raise forces, and oppose the ministers of arbitrary power, was not levying war against the constitutional sovereign; and consequently not against the political character of the King *. The Commons took no other notice of this request, than asserting, that it was the undoubted right and privilege of parliament, that none of its members could be proceeded against without the consent of parliament; and again solicited the King, that they might be called to a legal trial †. The King then offered a pardon; but the Commons were so far from acknowledging this as an act of grace, that they sent up a bill to the Lords, for clearing and vindicating the six members from a feigned charge of high-treason ‡. Sir Edward Herbert, the attorney-general, in his examination at the bar of the house of Lords, having declared that he could not undertake to make one tittle good of the articles with which he had charged them, otherwise than his master should command and enable him §, they impeached him of high crimes and misdemeanors, for having, contrary

The Commons impeach the King's attorney.

* It was declared lawful, by the statutes of the eleventh of Richard II. and the first of Henry IV. cap. 4. to raise forces to oppose the ministers of arbitrary power. These statutes were enacted within thirty-four years after the statute of the twenty-fifth of Edward III.

† They asserted, that it was necessary for them to see the evidence and proof of their guilt, before they could give directions for the manner of their prosecution and proceedings against them.

‡ This bill passed the house of Lords. *Parl. Hist.* vol. X. p. 330.

§ On serjeant Wild's asking him, in the name of the house of Commons, whether he had any proof or testimony, or information of proof of the articles, he desired to be excused giving a present answer. *Rushworth*, vol. IV. p. 489.

Anno 1641. to his oath, and the duty of his place, falsely scandalously, and maliciously, advised and framed certain articles of high-treason against the lord Kimbolton, &c. “ That the said doings of his were high breaches of the privileges of parliament, tending to sedition, &c.*” The Lords passed the following sentence on him : “ That he should be disabled, and made incapable of being a member, assistant, or pleader, in either house of parliament ; and of all offices, saving that of attorney-general : That he should be committed to the

The Lords
pass sentence
on the King's
attorney.

* On the commencement of this prosecution the King sent a letter to vindicate the conduct of his attorney, who had acted, he said, in obedience to his commands ; a duty to which he was bound by his oath, and the trust he had reposed in him ; and had he refused obedience, he would have questioned him for the breach of his oath, duty, and place : but now that he had wholly desisted from farther proceedings against the accused, he had commanded his attorney to drop the prosecution, nor to produce or discover any proofs concerning it. This letter was highly resented by the Lords, as a prelimiting their judgment. They refused to take it into consideration till they had determined the business against the attorney. A message was sent to the Commons to inform them of the letter ; and that they were ready to proceed, if they would send a committee to manage the evidence. It was argued by serjeant Wild, one of the committee appointed for this purpose, That the attorney-general pleading the King's command added to his offence ; since he could not but know that the King's command, in things illegal, was utterly frustrate, and of no effect ; if against the crown, in matter of interest, they were merely void, *quod in deceptione regis* ; if against the public weal, they were *ipso jure vacua* ; much more in matters criminal, because no action lies against him : That the attorney-general had acted contrary to his oath ; for he was sworn to the King, to issue out his writs duly and truly, and give him true advice according to law. It is a circumstance worth notice, that Sir Edward Herbert, in his defence on the point concerning the privilege of parliament, cited but three precedents, to justify the legality of his accusation ; two of them were of Charles's administration, cases of the earls of Arundel and Bristol ; and the other in the administration of Richard II. *Parl. Hist.* vol. X. p. 347, & seq.

Fleet,

Fleet, during the pleasure of the house. *” The Anno 1641. King, in general terms, offered the parliament a reasonable reparation of their privileges; but they insisted that the King should discover his advisers in that illegal measure, as a necessary part of a reasonable reparation †.

Petitions from the city of London, Middlesex, Essex, and Hertfordshire, being presented to the

* Clarendon is guilty of two false misrepresentations, in the recital of this business; first, he alleges that the Commons, finding the Lords had assigned counsel for the defence of the attorney-general, threatened those who should presume to undertake the task, in a manner which terrified the counsel into a positive refusal to meddle farther in the business; that the Lords imprisoned Sir Thomas Bedingfield and Sir Thomas Gardiner, for their contempt, in refusing to be of counsel for the attorney on their assignment: Secondly, That the negative prevailing in every question which was put concerning the inflicting a penalty for the attorney's offence, the Commons expressed such a resentment on the occasion, that the Lords, contrary to the rules and practice of parliament, proceeded to a new judgment. In the first case, Sir Thomas Bedingfield and Sir Thomas Gardiner made no other excuse for not pleading, but that the Lords had not given them time enough to prepare, when the contradictory commands of the two houses would have been a very undeniable one; and Mr. Hearne and Mr. Chute did actually plead for the attorney as to matter of fact. In the second case, on the first question which was put, viz. Whether, upon the whole matter, Mr. Attorney had committed a crime for which he ought to be sentenced by that house, the Lords resolved in the affirmative; which certainly left the matter open for the sentence which was afterwards pronounced against him. *Parl. Hist.* vol. X. p. 353, & *seq.* *Clarendon Hist.* vol. I. p. 379, & *seq.*

† This demand of the Commons is founded on the statutes of the thirty-seventh and thirty-eighth of Edward III. which ordains, “ That if any person make suggestion to the King of any crime committed by another, he is to be sent with his suggestion to the chancellor, or keeper of the great seal, the treasurer, or the great council, there to find surety to pursue his suggestion: which, if he cannot prove, he is to be imprisoned till he hath satisfied the party, and made fine and ransom to the King. *Statutes at Large.*”

Anno 1641.

Mr. Pym's
speech to
the Lords,
on the state
of public af-
fairs.

Commons, they appointed Mr. Pym to communicate them in a conference to the Lords. His speech on the occasion is, perhaps, one of the most artful performances of this persuasive orator; who, at the same time he convinced the understanding, knew how to work effectually on the passions of his auditors. "In these petitions*,

* The petition from the city of London was in answer to the demand of the loan of one hundred thousand pounds. It mentioned twelve objections, to the complying with the request. Among these were the non-payment of several great sums of money owed to them by debtors in Ireland: the brotherly offers of Scotland to send ten thousand men into Ireland not yet accepted: the not passing the bill for pressing soldiers, which put men in fear that there was a design to lose that kingdom and consume this; seeing that it could not be conceived the rebels would be suppressed by volunteers: the slow issuing commissions to those, who being in Ireland, or going thither, were willing to enter the field against the rebels; so that all the supplies which had been or might be sent thither were exhausted to maintain forces which did little or nothing worthy of them, by means whereof the number and power of the rebels were greatly increased; divers castles and towns taken; much Protestant blood daily spilt; the malignant party here encouraged, and those rebels so much emboldened, that they boast they will extirpate the English nation there, and then make England the seat of war: the not disarming Papists here in England: the great decays of fortifications, &c. the not placing them in hands in whom the parliament can confide: the not setting the kingdom in a posture of defence: the not removing the present lieutenant of the Tower, and putting into his place one well approved of by parliament: the King's ships, which ought to be a wall of defence to the kingdom, not fitted and employed as the present condition of this kingdom and Ireland requires, but some of them for the conveying away delinquents, to the great encouragement of the rest of the malignant party, who, when detected, know how to escape justice through the abuse of royal conduct; the misunderstanding between the King and parliament: the not vindicating the privileges of parliament: the not suppressing protections: the not punishing delinquents: the not executing priests and Jesuits, legally condemned; whilst others, contrary to the privilege of parliament, had been illegally charged with treason. These evils, the petitioners said, had sprung from
the

my lords, said he, you may hear the voice, or rather the cry of all England; and you cannot

the employing ill-affected persons in places of trust and honor in the state: and were continued by the votes of bishops and popish lords in the house of Peers. They humbly begged leave to protest, before God and the high court of parliament, that if any farther mischief befel their dear brethren of Ireland, or if any mischief broke in upon this kingdom, it ought not to be imputed to the petitioners, but to such as should endeavor to hinder the effectual cure of the evils before recited, which disabled the petitioners from doing that which was desired by the honorable the house of Commons.

The petition from the county of Essex expressed a fear, that there was an entire stop of reformation in matters of religion: that the whole kingdom was in danger from Papists, and other ill-affected persons, who were every where very insolent, and ready to act the part of those savage blood-suckers in Ireland.

The inhabitants of the county of Hertford expressed their thanks for the great benefits they received from the parliament, and their indignation against that malignant party who endeavored to prevent a thorough reformation in church and state, and especially the relief of Ireland: who attempted to render the house of Commons not only contemptible but burthensome to the people. The petitioners expressed their high esteem of that assembly, and acknowledged the perfecting their endeavors to be so necessary to the peace and welfare of the kingdom, that without it there would not only be a return of former calamities, but utter ruin and desolation. They declared their readiness and engagement, according to their protestation, to defend, to the utmost peril of their lives, the King and the high court of parliament, with all its power and privileges, against popish and other malignant opposers. All the petitions prayed that Papists might be fully disarmed, and the laws against them executed, the kingdom put into a posture of war, and its forts put into such hands as the parliament could confide in, the privileges of that assembly vindicated, Ireland speedily relieved, the farther punishment of delinquents, the farther reforming the church and commonwealth, and the taking away the votes of popish lords and bishops.

In the petition from the city of London, the petitioners complain, that with-holding from them the sum of fifty thousand pounds, which the parliament had borrowed, was a great hindrance to trade. If this was the case, the present

Anno 1641. wonder if the urgency, the extremity of our condition, produce some earnestness and vehemency of expression more than ordinary; the agony, terror, and perplexity, in which the kingdom labors is universal. All parts are affected with it." After asserting, that the eminent dangers which threatened the kingdom arose from the evil counsellors about the King, and from the Papists and ill-affected, both in England and Ireland, supported by the ministers of neighbor princes*, he shewed that the apprehensions and terrors of the public proceeded from the obstruction of reformation in matters of religion; the obstruction in trade; the obstruction in the relief of Ireland; the obstruction in prosecution of delinquents; a general obstruction and interruption of the proceedings of parliament by designs of violence; breaches of privilege, and the subtle endeavors to raise parties in the lower house; and jealousies between the two houses. The obstruction in providing for the defence of the kingdom; the evil influence about the King, Mr. Pym said, had been the cause of the preparation of the war with Scotland, the procuring a rebellion in Ireland, corrupting religion, suppressing the liberty of the kingdom, and of many horrid attempts to the subverting the very being of parliaments. He shewed that the Commons had done every

national debt must act very powerfully in that particular. *Rushworth*, vol. IV. p. 504, & seq.

* Mr. Pym told the Lords, that the rebels had received a supply of two convoys of ammunition and arms, the one from Dunkirk, and the other from Nants in Brittany; that the soldiers levied for the service of Spain were joined to the Irish rebels; and that the Irish friars, employed by the Spanish ambassador for making these levies, were known to have been the chief incendiaries of the rebellion, and were still active in the prosecution and encouragement of it.

thing

thing in their power to remedy the grievances of the kingdom, and avert the dangers which threatened it; and concluded his speech with addressing the Lords in the following manner: "I have nothing to propound to your lordships, by way of request or desire, from the house of Commons. I doubt not but your judgments will tell you what is to be done; your consciences, your honors, your interests, will call upon you for the doing it. The Commons will be glad to have your concurrence and help, in saving the kingdom; but if they fail of it, it will not discourage them in doing their duty. They would be sorry that the story of the present parliament should tell posterity, that in so great a danger and extremity, the house of Commons should be enforced to save the kingdom alone; and that the house of Peers should have no part of the honor of the preservation of it. My lords, consider what the present necessities and dangers of the Common-wealth require; what the Commons have reason to expect; to what endeavors and counsels the concurrent desires of all the people do invite you; so that applying yourselves to the preservation of the King and kingdom, I may be bold to assure you, in the name of all the Commons of England, that you shall be bravely seconded*." Mr. Pym received the thanks of the

* Mr. Pym affirmed, in this speech, that since the stop upon the ports against all Irish Papists by both houses, many of the chief commanders now at the head of the rebels had been suffered to pass by his majesty's immediate warrant. The King sent to the Commons to vindicate his character from this assertion: the Commons not only justified Mr. Pym, but declared that what he had affirmed was agreeable to the sense of the whole house, naming the different advertisements they had received concerning several Irish Papists who had passed by such warrants, and had since joined the rebels;

Anno 1641.

house of Commons for having so well performed the service they had employed him in: His speech was ordered to be printed; and, on the report of this conference, in which he had so great a part, a motion was made in the upper house for joining with the Commons, in petitioning the King to put the forts and militia of the kingdom into safe hands. This occasioning a long debate, the house, having resolved themselves into a committee, some lords desired to adjourn. The duke of Richmond *, with much

to the King's professions that he had used an extreme caution in this article, they made the following shrewd return: "Your majesty's most faithful subjects are very sorry that the extreme caution your majesty hath used hath been so ill-seconded with the diligence and faithfulness of your ministers; and that your royal authority should be so highly abused, although, as it was expressed by Mr. Pym, we believed it was by the procurement of some evil instruments too near your royal person, without your majesty's knowledge and intention; and we beseech your majesty to take such course, that not only your own honor may be vindicated for the time past, but your kingdom may be secured from like mischief for the time to come." Several replies and answers followed on both sides; the King attempted to justify himself on these frivolous grounds, That he had no intimation of the order of restraint of both houses, and denied that those to whom he had granted such licence were in the rebellion. This was very sophistical, since the Commons had affirmed, that the immediate warrants he had granted to particular persons, gave free passage to themselves and company, without any qualifications of persons, or limitation of number; and that, by virtue of this licence, several persons, who had since obtained command among the rebels, had passed.

One of the particular persons to whom the King had given such general licences, was captain Butler, whose brother was general of the rebels in Munster; and another was lord Delvin, whose father was an inveterate rebel. *Rushworth*, vol. IV. p. 511, & seq.

* Duke of Lenox, in Scotland, lately created an English duke: his sisters were Papists, himself had spent some time in Spain, and had been complimented with being created a grandee of that catholic country. *Clarendon*.

petulance

petulance replied, "Let us put the question, whether we shall adjourn for six months?" The extreme insignificancy of this lord's character had hitherto saved him from censure; but the peevishness and impatience with which he uttered these words, offended the popular party so much, that they were warmly excepted against. On the question being put, That the house should be satisfied with the duke's making an humble submission and acknowledgment, that he had offended in speaking inconsiderately and unadvisedly; and that he had no intention to have the house adjourned? it was resolved in the affirmative; but was protested against by twenty-four lords, as a punishment not adequate to the offence*.

Some few days after the Commons sent up an accusation against the duke of Richmond, on the three following articles: That he had written to the mayor and jurats of the town of Hithe, to chuse one captain Winberry for their member: That, whilst the affair of Mr. Piercy and Mr. Jermyn were before the house of Commons, the duke's steward came to Mr. Peard, a member of that assembly, and desired him, in his master's name, not to press the matter concerning those gentlemen, saying, that his forbearance would be an acceptable service, and would do him good: That, by the copy of a record then in the lower house, it did appear that the duke of Richmond did, on the twenty-sixth of January instant, desire that the question might be put for

Proceedings
against the
duke of
Richmond.

+ Northumberland, Bedford, Essex, Pembroke, Suffolk, Lincoln, Leicester, Warwick, Holland, Bolingbroke, Stamford, Conway, Wharton, Paget, Hunsdon, Chandois, St. John, Spencer, Kimbolton, Brook, Grey de Werk, Roberts, Howard de Efrick, Willoughby de Parham. *Parl. Hist.* vol. X. p. 252.

Anno 1641. the adjourning the house of Lords for six months : Upon the whole, the Commons had passed a vote, That they had sufficient cause to accuse the duke of Richmond, as one of the malignant party, and an evil counsellor to the King, for these reasons: That he endeavored to have such members chosen as he should name *: That he endeavored to corrupt the members of the house, after they were elected, in matters of the highest nature: That his motion of adjournment, had it been effected, would certainly have been the loss of Ireland, and hazarded the ruin of England. The Commons desired the Lords to join with them in petitioning the King, that the duke of Richmond might not have access to the persons or courts of the King and queen; and that he might be removed from all offices and places of public trust. The question, whether the Lords should join with the Commons in their petition against the duke, passing in the negative, twenty-three lords entered their dissent †.

Farther proceedings on the militia.

The upper house not having determined the important question, Whether they should join with the Commons in their petition concerning the militia? that assembly grew warm and impatient, and sent up, with the King's denial to their petition, the following angry message :

* The interposal of peers in the election of commoners had been, by several resolutions of the lower house, declared a breach of privilege; and continues, says Mr. Hume, to be condemned by the votes of the Commons, and universally practised throughout the nation. *Hume*, vol. I. p. 312.

† Clarendon tells us, that when it was carried in the house of Commons, to accuse the duke of Richmond, it was late at night, and not half the house was present. This is not the fact, it appearing, on the division on the question, that the house was full. *Clarendon Hist.* vol. I. p. 321. *Parl. Hist.* vol. X. p. 255.

“ To

“ To desire the Lords to lay to heart this their request, That they would join in another petition to the King, that the forts and militia of the kingdom should be put into such hands as were approved of by both houses : That, if the whole assembly would not join with the Commons, now that things were brought to the last gasp, then that those lords, who were willing, would declare themselves, that they might be known from the rest : Lastly, to assure the house, that they must not expect that the Commons would come to them again upon the same business *.” The debate on this message was opened by the earl of Northumberland, who professed, that whosoever should refuse to join with the house of Commons in their request were, in his opinion, enemies to the common-wealth. The Lords, at this juncture, seemed to be so perfectly convinced of the pressing necessity of the request, that, without signifying any offence at the peculiar style of the message, they came to the following resolutions, to join with the Commons in their vote : “ That whosoever advised the King to give such an answer, is of the malignant party, and an enemy to the public peace and safety of the kingdom : That they would join with the Commons in their petition, as desired †.” A petition of the same effect with the former was sent to the King, in the name of both houses, with the following clause : “ That

* This message was carried up by Mr. Holles.

† On this occasion Clarendon observes, that when this bill was first introduced in the lower house, there were few men who imagined it would receive farther countenance : but now there were very few who did not believe it to be a very necessary provision for the peace and safety of the kingdom. *Clarendon's Hist.* vol. I. p. 304.

Anno 1641. the parliament expected a speedy and gracious answer, the great distractions and distempers of the kingdom not admitting delay."

Various petitions,

The impatience of the public at the slow progress of the long-promised reformation, excited a new inundation of petitions; among these was one from the young men, apprentices, and seamen; another from the poor tradesmen and manufacturers*; a third from the porters†; a fourth from gentlewomen, tradesmen's wives, &c.‡. The female petitioners prayed to be secured from the cruelty and persecution of Papists, prelates, and their adherents; and expressed their resentment on the cruelties committed in Ireland, in very pathetic terms: they apologized for this their uncommon act, on the principle that they were sharers in the common calamities which oppression produced: "On these grounds, conclude the petitioners, we are

* These complained, that there was so great a decay and stop of trade, that they were in a starving condition; if some means were not taken, they said, to remove those obstructions which hindered the progress of the endeavors of their representatives, they should be forced to lay hold of the next remedy at hand, to remove the disturbers of their peace; and proposed, that those noble worthies of the house of Peers, who concurred with the happy votes of the Commons, should separate themselves from the rest, and sit and vote as one entire body.

† This petition asserted, that, if proper remedies for the public miseries were longer suspended, the petitioners would be forced to extremities not fit to be named, and make good the saying, That necessity has no law; they had nothing to lose but their lives, and those they were willing to expose to the utmost peril in defence of the house of Commons, according to their protestation.

‡ Two from the counties of Warwick and Surry, and another from the inhabitants of Cleveland, in the county of York. *Parl. Hist.* vol. X. p. 291, & seq. *Journals of the Commons*, vol. II. p. 422.

embolden-

Anno 1641.

emboldened to present our humble desires to this honorable assembly, not regarding the reproaches which may and are by many cast upon us; we do it not out of any self-conceit or pride of heart, as seeking to equal ourselves with men, either in authority or in wisdom, but, according to our places, to discharge that duty we owe to God, and the cause of the church." The house had not only the complaisance to read the petition, but commissioned one of their members, of no less consequence than Mr. Pym, to return an answer in person. The petitioners being called up to the door of the house, Mr. Pym addressed them in the following manner: "Good women, your petition, with the reasons, hath been read in the house, is thankfully accepted of, and is come in a seasonable time. You shall, God willing, receive from us all the satisfaction which we can possibly give to your just and lawful desires: We entreat you, therefore, to repair to your houses, and turn your petition, which you have delivered here, into prayers at home for us: We have been, are, and shall be, to the utmost of our power, ready to relieve you, your husbands, and children; and to perform the trust committed unto us towards God, our King, and country, as becometh faithful Christians and loyal subjects *."

* This complaisance to a company of decent, virtuous matrons, acting under the influence of conscience, expressing their fears and hopes on matters in which they were greatly interested, in a modest application to the representative assembly of the people, has been highly ridiculed by those who scoff at the conduct of these sensible times. Was not the policy of this complaisance sufficient to vindicate it from ridicule, it has the countenance of the most illustrious societies. The government of Rome, when in its state of highest virtue, though never influenced by the low cabals
and

Anno 1641.
Harmony -
between the
two houses.

The bill for
depriving
bishops, &c.
with the
pressing act,
passes the
Lords.

Parl. Hist.
vol. X.
p. 303.

That harmony between the two legislative assemblies, so earnestly desired by the public, seemed to be now complete. The bill for depriving bishops of their votes in parliament, which, in one session, with a trifling alteration, the Commons had twice sent up to the Peers, was now called for, and, after a third reading, unanimously passed by the temporal lords; the bishops of Winchester, Rochester, and Worcester dissenting. Great were the joy and triumph of the public on this occasion; nor less was the satisfaction of the Commons on the Lords passing the pressing acts, with the preamble; and another very important one, entitled, "An act for a speedy contribution and loan towards the relief of his majesty's distressed subjects of the kingdom of Ireland." The trial of the twelve bishops, which had been put off from time to time, on account of the urgency of public affairs, after some pleadings had passed on the side of the prosecutor and the prosecuted, was determined to be farther proceeded on on the twenty-fourth of February. On the morning

and intrigues of loose vicious women, which is ever the consequence of those effeminate manners which prevail in monarchies, failed not to pay high marks of esteem, and granted many immunities to that sex, on their exhibiting any symptom of public virtue; and we find, that when Rome was towering to its utmost height of splendor, the women presumed to petition their legislator on subjects which concerned themselves, though of a trifling nature. When the manners of that society began to degenerate, the women were very importunate with the senators on the article of a sumptuary law which affected their dress; for this they were sternly rebuked by Cato the Censor, but not so much for their presuming to petition, as for the pernicious nature of their petition, the improper object of their desire, and the tumultuary manner in which they preferred it. They were, nevertheless, vindicated by many senators.

of

of that day, the Commons signified to the Lords, that they had resolved to proceed against the delinquents by bill. This being signified to the bishops, they pleaded, that they had lain long under a charge of treason; that many days had been assigned for hearing; that, as the matter of fact had been heard, they desired the justice of the house, that they might be heard by their counsel in point of law, and judgment given upon the charge. The Lords determined, that the proceedings against the bishops should not be concluded in their house, without hearing them and their counsel, as the cause should require. The Commons gave the committee appointed to manage the evidence against them the following severe orders: To draw a bill for the forfeiting the issues and profits of their estates, temporal and ecclesiastical *; for the imprisonment of their persons during life †; and for the disposal of all livings which should fall within their gift ‡. The Lords having granted bail to

Anno 1641.
Farther proceedings against the bishops.
Parl. Hist. vol. X. p. 313.

* The archbishop of York was allowed out of the profits of his estate 100l. per annum; the bishop of Durham, 800l. the bishop of Norwich, 400l. of Bath and Wells, 100l. Coventry and Litchfield, 800l. Hereford, 500l. Peterborough, 100l. Oxon, 100l. Asaph, 500l. Landaff, 200l. It was resolved in the lower house, that no member of that house should be a feoffee in this bill concerning the bishops. *Journals of the Commons*, vol. II. p. 517, & seq. *Parl. Hist.* vol. X. p. 374.

† After remaining eighteen weeks in prison, they were admitted to bail. The archbishop of York and his sureties were bound in five thousand pounds, and he ordered not to go to his diocese during the disturbances which were at that time in the county. *Parl. Hist.* vol. X. p. 487.

‡ In the course of the trial of the bishops, London and Salisbury deposed, that they never did absent themselves from parliament, on the occasion of force or menace. The bishop of Litchfield and Coventry, in his defence at the bar of the house of Lords, entreated that assembly to follow the footsteps

Anno 1641. the bishops, the Commons gave them to understand, that it was disagreeable to a vote of their house; and therefore desired they might be remanded: With this request the Lords complied, without hesitation.

Proceedings
about the
militia.

Whilst opposition in both houses of parliament gave way to the authority of the popular leaders, the King was busy in making preparations to resist the power of the party, and to regain by the sword those concessions they had extorted from his necessities. Pursuant to his plan of gaining time by temporising to the petition of both houses, concerning the forts and militia of the kingdom, he returned answer, That when he should be informed of the extent of the power intended to be established in those persons the parliament desired to be entrusted as commanders of the militia; and likewise the time limited that he was to be debarred from exercising a power over it, without the advice of parliament; that then he would declare, that he would put in such persons as the parliament should approve; provided he had no just and unquestionable exception against them. To render this message more agreeable, Sir John Byron, at his earnest desire, had leave to resign the lieutenancy of the Tower *; and Sir John Conyers, whom the par-

footsteps of the emperor Constantine, who had rather cast his purple garment upon an offending divine, than reveal his offences, for the gospel's sake of Christ. *Parl. Hist.* vol. X. p. 304, & seq. 332, & seq.

* This following part of the King's message explains the reason of his condescension: That he was pressed by the State's ambassador to send the princess Mary, his daughter, immediately to Holland: That his royal consort, the queen, had earnestly desired leave to accompany her daughter thither: That he had thought fit to consent to both desires, and to make his consent known to both houses of parliament. *Journals of the Commons*, vol. II. p. 416.

liament

liament had recommended to this post, was appointed in his place. The parliament, perceiving the King's sole drift was to gain time, passed an ordinance, which restored to lieutenants and deputies the same authority they had formerly exercised; with power to lead and employ the trained-bands, in every part of the realm of England and dominion of Wales, for the suppression of insurrections and invasions which might happen*. The names of the persons who were to be invested with this authority were inserted in the ordinance; their conduct was to be accountable to the parliament, and their authority to continue during the pleasure of that assembly. The preamble to the bill was as follows: "Whereas there has been of late a most dangerous and desperate design upon the house of Commons, which we have just cause to believe to be an effect of the bloody counsels of Papists, and other ill-affected persons, who have already raised a rebellion in the kingdom of Ireland; and, by reason of many discoveries, we cannot but fear they will proceed, not only to stir up the like rebellion and insurrection in the kingdom of England, but also to back them with forces from abroad."

The queen
leaves the
kingdom.

The royal assent having been refused to the bill for taking away the votes of bishops out of the house of Lords, and exempting them from the trouble of secular affairs, and the bill

* Whilst this ordinance was in agitation, an order of parliament was published, to enable the lord-mayor, his commission being but a commission of lieutenancy, and declared illegal, to make use of the trained-bands for preserving the peace of the kingdom, the person of his majesty, and all the members of parliament, from violence and danger. *Nelson*, vol. II. p. 878.

Anno 1641. for pressing soldiers for the Irish wars, they were again presented to the King at Canterbury, with an importunate message from both houses *. Charles was on the road to Dover, where he proposed to see the queen safely embarked on her journey to Holland. The queen was conscious that the parliament was come to some knowledge of her intrigues, and apprehended that, on the King's second refusal, an immediate stop would be put to her intended voyage : to facilitate therefore her escape, she persuaded the King to give his assent to the pressing solicitations of parliament ; and such was her powerful influence, that, even in this point, she prevailed ; and the wishes, rather than the expectation, of the public were gratified †.

The royal assent given to the bill against bishops, and to the pressing-act.

A packet from lord Digby, directed to secretary Nicholas, was at this time intercepted and opened ‡. Had the intelligence of the parlia-

* In this message the parliament tells the King, that his passing these bills would be a pledge to them of his gracious intention of concurring with them in their subsequent desires, which they were preparing for him. *Parl. Hist.* vol. X. p. 283.

† The event was celebrated with ringing bells, bonfires, and illuminations. Clarendon says, that it was Sir John Colepeper, who by alarming the fears of the queen, prevailed with her to use her influence with the King for passing this act. *Clarendon's Life*, p. 100. *Echard*, p. 526.

‡ In a letter from lord Digby to the queen, he tells her, that he cannot write to her with freedom till he has a cypher : That he shall stay at Middleborough, in a private way, till he receives instructions how to serve the King and her majesty in those parts : If the King would betake himself to a safe place, where he could avow and protect his servants, he should then live in impatience and in misery till he waited on her : If the King betook himself to the compliant ways of accommodation, which he had done of late, he should then serve him more by his absence than by his industry : “ And, concludes this compleat courtier, it will be a com-

fort

ment not been so good as it was, this would have cleared up effectually the motives of the King's motions and conduct. However, they made no steps to interrupt the queen's intended journey, nor signified other resentment at her conduct, than the sending a reproofing, yet a civil message, on the purport of Digby's letter.

An impeachment of high-treason was sent up against this offender, on the articles of his persuading the King to levy forces against his liege subjects; the actually levying forces himself within the realm, to the terror of his majesty's subjects*; the endeavoring to raise dissensions between the King and people; the possessing the King with a notion, that he could not live with safety among them, and that it was necessary to betake himself to a safe place; the advising the forming false and scandalous articles of high-treason against lord Kimbolton, &c.; the persuading the King to come in person, in warlike

Impeachment of
lord Digby.
Parl. Hist.
vol. X.
p. 318,
& seq.

fort to me, in all calamities, if I cannot serve you by my actions, that I may do it in some kind by my sufferings for your sake; having, I protest to God, no measure of happiness or misfortune in this world but what I derive from your majesty's value of my affection and fidelity." A letter from Digby, directed to his brother, Sir Lewis Dives, speaks of his staying at Middleborough till the King should declare himself, and retire to a safe place.

* Digby, in his apology, owns that he did appear at Kingston with those reformed officers and soldiers, who had formed the King's guard at Whitehall, and who had attended him in formidable array to the house of Commons. Such a circumstance, in these jealous times, was substantial enough to be taken notice of; and was a greater proof of the temerity and insolence of this young man, than a matter of ridicule for the house of Commons to take advantage of his indiscretion, as Clarendon endeavors to represent it. *Nelson*, vol. II. p. 865. *Clar. Hist.* vol. I. p. 338.

Anno 1641.

The king
denies his
assent to the
ordinance on
the militia.

manner, to the house of Commons, and demand the said members, to the apparent danger of his majesty's person, and in high violation of the privileges and being of parliaments.

Thanks were returned to the King, for giving his assent to the act for disabling persons in holy orders to exercise temporal jurisdiction; for his care of Ireland, in dispatching the bill for pressing; and for his gracious favor expressed in his message to both houses, that he would not grant pardon to any Romish priest, without consent of parliament. With this message of thanks the ordinance for settling the militia was presented: This was the only request which the King, in his present circumstances, was determined to deny: it was the only concession which could invincibly frustrate his intentions of regaining what he had already been obliged to grant. He replied, That he had not now leisure to consider on a matter of so high an importance; he could not, therefore, promise a positive answer till he should return; which he intended to do as soon as he had put his dearest consort the queen, and his dear daughter the princess Mary, on board, for their transportation to Holland*. On the receipt of this answer, the parliament instantly dispatched another message, expressing grief and disappointment at the King's evasive dealing. He had promised, they said, by a former answer, that the militia should be put into such hands as the parliament should approve, when the extent of their power, and the time of their continuance was declared: That being done, and the persons by both houses nominated, his majesty

* The King was at Dover, on this errand, when this ordinance was presented to him.

yet referred his resolutions thereon to a longer and very uncertain time: That a delay, when the present dangers were so great and pressing, was as unsatisfactory and destructive as an absolute denial: A measure so necessary to defend England from the practices of those who had raised combustions in Ireland, it was their duty to see put in execution: The people, by daily petitions, desired it; and in some counties were, of themselves, and by their own authority, providing against the urgent danger with which they were threatened.

The queen being now out of the reach of interruption from the parliament, Charles, in his answer to their importunate solicitations, assumed a more preremptory style than he had hitherto used. He could by no means, he said, give his assent to their ordinance; nor did he conceive himself obliged to such a concession, by any promise he had made them. He objected to their preamble, as charging him falsely with a design upon the house of Commons: He offered to accept of those persons they had nominated to be lieutenants of the several counties of England, with the same commissions he had given during the sitting of this parliament, excepting to the city of London, and those other corporations, who, by ancient charter, had granted to them the power of the militia: If that a greater authority than was by law vested in the crown, was thought fit to be given to the persons nominated, he held it reasonable, that that authority should be first vested in him, with power to transfer it to those persons: As to the time desired for the continuance of those powers, he could not consent to divest himself of that just authority, which God and the laws of the kingdom had placed in

Anno 1641.

Spirited
transactions
of the par-
liament.

him, for the defence of the people, and put it into the hands of any other for an indefinite time: And whereas he observed, by their petitions, that some persons began already to meddle with the militia, he expected that the parliament should examine the particulars; and if this did appear to them, then that such persons be proceeded against according to law. The Lords sent this answer immediately to the Commons, and adjourned themselves till the afternoon, to wait the resolutions of that assembly, when the following votes passed the lower house, and were agreed to by the Lords: That this answer of his majesty is a direct denial to the desires of both houses of parliament, concerning the militia: That those who advised his majesty to give this answer are enemies to the state, and mischievous projectors against the safety of the King, and peace of the kingdom: That this denial is of that dangerous consequence, that if his majesty should persist in it, it will hazard the peace and safety of all his kingdoms, unless some speedy remedy be applied by the wisdom and authority of both houses of parliament: That such parts of this kingdom as have put themselves into a posture of defence against the common danger, have done nothing but what is justifiable, and is approved of by this house: That this house holds it necessary, that his majesty should be desired that the prince may come to St. James's, or to some other convenient place near about London, and there to continue*:

* The parliament had before enjoined the marquis of Hertford, under severe censures, not to let the prince go out of the kingdom; and had passed votes against all those who should be assisting in such an expedition. They had preferred a petition to the King, not to take him from Hampton-Court, and had sent an express order to the marquis of Hertford, not

That the Lords be desired to join with this house, Anno 1641.
 in an humble address unto his majesty, That he
 would be pleased to reside near his parliament,
 that both houses may have a conveniency of ac-
 cess unto him upon all occasions: That the
 Lords be moved to join with this house, in a full
 course of examination, to find out the persons
 who gave his majesty this advice, that they may
 be removed from him, and brought to condign
 punishment: That no charter can be granted by
 the King to create a power in any corporation
 over the militia of that place, without consent of
 parliament: That the Lords shall be desired to
 appoint a select committee, that they may join
 with another of proportionable number of the
 house of Commons, to propose what is fit farther
 to be done upon these votes, or upon any thing
 else which may arise.

A declaration of both houses of the preceding Anno 1642.
 resolutions was immediately sent to the King*.
 In this it was declared, That the dangers and
 distempers of the nation were such as could en-
 dure no longer dallying: That, unless he speedily
 complied with the demands of his parliament,
 they would be enforced, for his sake, and the
 sake of the kingdom, to dispose of the militia by

not to suffer him to be removed from thence. They passed a
 remonstrance against the marquis of Hertford; and this not
 having met with a compliance, sent some members of both
 houses to Greenwich, to bring the prince to London; but
 their messengers, finding the King arrived before them, did
 not attempt to put their orders in execution. *Nelson*, vol. II.
 p. 857. *Claren. Hist.* vol. I. p. 34C. *Parl. Hist.* vol. X. p.
 208, 320, & seq.

* The Lords signified to the Commons, that by reason of
 the haste the message to his majesty required, they had given
 orders to the lord of their house, appointed to carry it, to
 ride post. *Journals of the Commons*, vol. II. p. 448.

Anno 1642. their own authority; and were resolved to do it. On receipt of this message, Charles preremptorily replied, That for the militia, he was so much assured that his answer was agreeable to what in justice or reason they could ask, or he in honor grant, that he should not alter it in any point: For his residence near the parliament, he wished it might be so safe and honorable, that he had no cause to absent himself from Whitehall: For his son, he should take that care of him which should justify him to God as a father, and to his dominions as a king. This positive refusal produced in the house of Commons the following vigorous resolutions: "That the kingdom be forthwith put into a posture of defence, by authority of parliament, in such a way as is already agreed on by both houses." It was farther resolved, That a committee should be appointed to prepare a declaration to clear the house from suspicions conceived against it; and to lay down the just causes of the fears and jealousies given to the house*. These resolutions were agreed to by the Lords †.

* The earl of Clarendon, in his own Life, supposes, that if the King had returned to the parliament after the queen's departure, and the houses had been convinced he no longer governed himself by her dictates, matters would have been composed by very moderate concessions on his part: but it was no sooner known that he intended making a progress northward, and taking the prince with him, than they fell into their usual heat and debate concerning their just causes of jealousy and distrust. This is in Clarendon an unwary confession of what indeed appears by the history of these times, but what has been constantly denied by the friends of Charles; viz. That if the parliament could have trusted him, or had not been informed of the treacherous designs on foot against the peace and liberty of the kingdom, they would gladly have closed the scene of civil contention, and been contented with those advantages already gained on the side

Matters being now come to a crisis, Charles, notwithstanding the earnest solicitations of the parliament, set out with his two sons for York, where he arrived, by slow journies, on the nineteenth of March*.

Anno 1642.
The King
retires
northward.

side of Liberty. The earl of Clarendon, then Mr. Hyde, who had enlisted himself in the service of the court, and betrayed the counsels of parliament, moreover confesses, That he sent to the King, by a previous messenger, this message from the parliament, advising him, upon the delivery of it by the committee, to make some short resentment of the houses' proceeding with him; and that Mr. Hyde would draw up an answer in length, to be returned to the message in due time. From such instruments sprang that evil counsel which the parliament so justly complained of; and which at length, overwhelmed that power which, for their own particular interest, they endeavored with such craft and deceit to support. The King acquainted Mr. Hyde with his intention of retiring northward; and directed him to give him, from time to time, intelligence of those matters which concerned him; and to propose answers to all the messages and declarations which the parliament should send to him. *Clarendon's Life*, vol. I. p. 107, 109, & seq.

† The following peers protested against the resolution of putting the kingdom in a posture of defence: Earls of Lindsey, Bath, Southampton, Northampton, Monmouth, Cleveland, Portland; lords Mowbray, Willoughby de Eresby, Grey, Dunsmore, Seymour, Capel. *Parl. Hist.* vol. X. p. 330.

* Acts passed in this parliament.

1. A subsidy of tonnage and poundage, &c.
2. An act for raising mariners, &c.
3. An act to relieve captives taken by the Turks, &c.
4. A subsidy of tonnage and poundage.
5. An act for raising mariners, &c.
6. An act for disabling persons in holy orders to execute temporal jurisdiction and authority.
7. An act for the raising soldiers for the defence of England and Ireland.
8. A subsidy of tonnage and poundage.
9. An act for a contribution and loan for the distressed people of Ireland.
10. A subsidy of tonnage and poundage.
11. An act for the raising and levying money for the necessary defence and great affairs of the kingdoms of Eng-

Anno 1642.

Whilst the King thus premeditated hostile intentions against the power of parliament, and the Liberty and peace of England, Ireland remained neglected, notwithstanding that the contagion of cruelty, and the spirit of unnatural opposition, had spread itself over the whole papistical body. The Commons, anxious to revenge the mischiefs the Protestants had already received, and to secure them from farther evil, forwarded, to the utmost of their power, the negociation which had been entered into with the Scots. Charles, who intended to render the Irish rebellion an instrument to execute his designs against the Liberty of the whole empire, with great earnestness pressed the sending at least an equal number

land and Ireland; and for the payment of debts undertaken by the parliament.

12. An act for the reducing the rebels in Ireland to their obedience to his majesty and the crown of England.

13. An act for an explanation of a former act for reducing the rebels in Ireland.

14. An act to enable corporations to adventure in Ireland.

15. An act for the farther reducing the rebels in Ireland.

16. A subsidy of tonnage and poundage. — It has been already observed, that the Commons, to prevent the King from making use of the public money to his private ends, and to keep him entirely dependant, till the new-modelled government was thoroughly established, had, under the pretence of not having leisure to settle a new book of rates, given these subsidies of tonnage and poundage for a short time, collected them by officers of their own appointing, and exercised the authority of applying them to their proper uses. The King expressed his resentment at this conduct, on the passing the act of the last subsidy of this kind he received. He reprehended the Commons for not having given it him for as long a time as it had been given to his ancestors; hinted that this should be the last bill of the sort he would pass; and reminded them of those good intentions they had expressed, to consider no less his subsistence and splendor, than their own liberties and interests. *Parl. Hist.* vol. X. p. 263. & seq.

of

of English forces into Ireland, on pretence that Anno 1642, the Scots would seize upon that kingdom, when they had subdued the natives. Whilst the bishops sat in the upper house, he found means to gain the majority of the peers on his side; so that, whenever the Commons moved that the offer of the Scots might be accepted, and that ten thousand of them, who could be easily, and at a small expence, conveyed over, should be sent for the relief of their distressed Protestant brethren, the Lords returned answer, That they would consent, provided an equal number of English were permitted to go at the same time. Nothing could be more perplexing to the Commons than this opposition; either the Protestant interest must be sacrificed in Ireland, and themselves incur the blame of impeding assistance; or, if they gave way to the King's proposals, they hazarded the loss of religion and Liberty, by raising a large military power, which would be under the government and direction of the avowed creatures of the crown; and whose principles, both in religious and civil matters, were as malignant as those of the Papists. Ormond, a special pupil of Strafford, and the prelate Laud, whose sense of political duty was contained in the narrow compass of personal loyalty to the King *, had been, from the commencement of the rebellion, appointed commander in chief of all the forces in that kingdom. Such

* To the utmost of his power he had obstructed every measure of the Irish parliament in favor of Liberty, and had defended the tyrannical practices of every corrupt officer of the crown. See, in Strafford's Letters, and Carte's Life, this nobleman's principles of passive obedience to church and state, with his views of aspiring to court-favor, from the merits of a conformable practice.

being

Anno 1642. being the obvious dangers, the Commons were obliged to risk their popularity to avoid ruin; and, notwithstanding the clamors and malicious insinuations of the court party, not only disregarded an offer from the King of raising ten thousand volunteers for Ireland, but when, by his commission, drums were beating, and men enlisting, they put an effectual stop to the proceeding, by taking up colonel Hill, and other officers, for engaging in a business of that importance without their advice and consent. The great reputation they had gained by their public-spirited measures, joined to the good sense of the age, saved them from odium: Their party was successful in giving the people proper notions on the subject; the petition from the citizens of London, expressly declaring, That the Irish Papists would never be subdued by volunteers*. The obstinacy of the Lords in regard to the Scotch treaty, and their not passing the pressing act, disabled the Commons from supplying farther aid to Ireland than the twenty thousand pounds set over on the first commencement of the insurrection, two or three regiments of foot, and some arms and ammunition. They at last prevailed with the upper house to agree to the sending over two thousand five hundred Scots, till the treaty for the ten thousand should be concluded. The King delayed the business for some time, by objecting to one of the conditions proposed, viz. That Carricfergus, the most considerable sea-port town in the north of Ireland, should be put into their hands; this, on the specious pretence, that it would be too great a trust for auxiliary forces. The Commons,

Carte's Life of Ormond, vol. I. p. 202.

Rapin, vol. XI. p. 234, & seq.

* Meaning that an army raised by the King would never subdue those whom he wished not to subdue.

who

who thought the forts of that kingdom much Anno 1642. safer in the hands of the Scots, than in those of an army devoted to the King, immediately closed in with the proposal; and, for the same reason, contrary to previous resolutions, gave way to the Scots being entirely governed by their own commanders, who were not to be subject to the state of Ireland, but only answerable to the King and parliament of England *.

Charles, finding himself pressed by the Commons and by the Scots, who represented to him, that it would be shewing a very ungracious distrust in his own subjects and countrymen not to place the same confidence in them as the parliament of England were inclined to do, and not daring, in his present situation, to incur the odium of putting a total stop to the relief of Ireland, gave at length an unwilling assent.

But whilst every part of the King's conduct Affairs of Ireland. manifestly tended to an open breach with the parliament, and, confirming those jealousies which had been long entertained of him, created invincible obstacles to the sending from England any powerful aid to Ireland, that rebellion became formidable by the entire union of the large body of Irish Papists. The rebels, after having made themselves masters of most of the strong places in the north of Ireland, marched up towards Dublin, laying siege to Drogheda, a place of importance, on account of its neighborhood to the capital. It would be tedious, in a narra-

* The King's intention being by this time pretty obvious, it was the business of the Commons to prevent the forces sent into Ireland from being subject to the state of that kingdom; its present head-officers, though well-affected men, being liable to be changed at the King's pleasure, and others devoted to his schemes put in their places.

Anno 1642. tive of this general kind, to give the history of particular sieges and battles : it is sufficient to say, that the English garrison, under the command of Sir Henry Tichburn, a valiant and judicious officer, maintained this town, though its walls of defence were in an old and crazy condition, against the whole power of the rebels, famine within, and the disaffection of the Papist inhabitants, by whose intrigues part of the rebel army were more than once introduced into the town. The vicinity of these forces, with the unlucky defeat of some troops which were sent from Dublin to the relief of Drogheda ; the apparent evil intentions of the English Papists of the pale ; some political reasons arising from the suspicious inclinations of the old army, which had been raised and disciplined by Strafford ; the known malignity of some of the officers in high command, of Ormond in particular ; occasioned the justices to keep on the defensive, till the arrival of succors daily expected from the English parliament.

Temple's
Hist. of the
Irish Rebel-
lion, 4to Ed.
1724, p. 49,
& seq.

The tumultuous resort of Papists to the city of Dublin, many of them by their speeches discovering their ill affections to the Protestants, occasioned the government to issue out a proclamation for the discovery and removal of such as should come to and continue in the city, without just or necessary cause. To prevent the exceeding spreading of rapine and murder, a proclamation was issued out, in favor of the poorer sort of people in the counties of Meath, West-Meath, Louth, and Longford, who had been drawn in to pillage their English neighbors, by the success of the first conspirators, and the example and solicitations of their chiefs. To all of these who were not guilty of blood,
promise

promise was made, on terms of submission and restitution, that no farther prosecution should be held against them: To the remonstrance likewise of the inhabitants of the county of Cavan, a civil answer of readiness to redress just grievances was returned, provided farther acts of rapine and violence were forborn, and the goods of the English restored. The remonstrance itself was transmitted to the lord-lieutenant, to be presented to the King. Whilst the justices endeavored in vain to disunite from the Irish chieftains their followers, they took measures to conciliate, if possible, the affections of the English of the pale. In their proclamation, published immediately on the discovery of the conspiracy, they had made use of the words Irish Papists; this being captiously excepted against, as too general an expression, another proclamation was immediately set forth, explaining the meaning of the former; that they did not intend any of the old English of the pale, or any other parts of the kingdom, being well assured of their fidelities to the crown, and having had experience of the good affection and services of their ancestors, in former times of danger *. It was not with words only the justices endeavored to allay the malice of this body; they ventured on the dangerous expedients of trusting them with arms, and the granting commissions to the persons of chief quality among them, to raise and command forces, to preserve the peace of the several counties, with a power to execute martial law.

The parliament of Ireland, after they had executed all the business which affected the interior

Anno 1641.

Borlase,
p. 22.Temple,
p. 50, 52.Borlase,
p. 23.Carte. vol. I.
p. 221,
& seq.

* The proclamation likewise enjoined all the subjects, whether Protestants or Papists, to forbear all upbraidings in matters of religion. *Borlase*, p. 23.

Anno 1642. government of the kingdom, adjourned till the ninth of November, in expectation of the return of their committees with the promised graces. The insurrection, with the attempt on the castle of Dublin, happening before this period, the lords justices, fearing the concourse of strangers, who would flock to the capital on this occasion, would afford to the disaffected an opportunity to machinate new plots, by proclamation prorogued the parliament to the twenty-fourth of February. This was an unexpected interruption to the designs of the pale; their lawyers disputed the legality of such a prorogation, and declared that, unless the houses met on the day to which they were adjourned, the parliament would be dissolved. The justices, not caring to act doubtfully when a point of law was in question, gave way to the meeting; when, without entering into business, the two houses adjourned till the sixteenth. There was not wanting a faction in the council who disapproved the prorogation. The justices and their party urged the danger of bringing a number of strangers to the city; that several of the Protestant members were dispersed, or shut up, or employed; that they could not repair to the meeting; that therefore the Roman-catholics would be superior in number, and carry things according to their own humor. The majority of the council adhered to the prorogation; but, to avoid giving unnecessary offence, the active Popish members, who had been the most tenacious on this occasion, were told, that though the council could not absolutely remove the prorogation, they would limit it to a shorter time: That the parliament should have leave to sit one day, if they would make a protestation against the rebels: That, if they pleased, they should have liberty
to

to depute some of their members to treat with the rebels about laying down arms; and that the council would be ready to receive whatever grievances they had to complain of, and transmit them to his majesty, for a speedy redress. Anno 1642.

When the two houses met, they took into immediate consideration the state of the nation, and the framing a protestation against the insurgents; but, notwithstanding the committee just returned out of England, and others of the Popish party, not only arraigned the expediency of the prorogation as an obstruction of the graces they had obtained * of the King, but as a deeper injury done to the kingdom, in preventing them from expressing their loyal affections, and shewing their desires to quell so dangerous a rebellion, they could not be persuaded in the house of Commons to style these detestable massacres by so rough an appellation as that of Rebels, but called them discontented gentlemen, using much artifice to varnish over the most flagitious, bloody, and violent of their acts; fearing, it was thought, that, if they cloathed their sentiments with a high degree of hypocrisy, it might move the rebels, not discovering their reasons, to recriminate; and shew that they were clandestinely involved in the plot†.

Temple,
p. 128,
& seq.

* They had obtained every thing they had asked of the King; they came laden with bills for the graces, and order for others to be immediately transmitted by the state, to be passed in form in the privy-council of England.

† Dr. Maxwell testified, on his examination, that he heard Sir Phelim O'Neale, in a large company say, That if the Popish lords and gentlemen would not rise, but leave him in the lurch, he would produce his warrant, signed with their hands, and written with their own blood, which should bring them to the gallows. The wife of Philip O'Reily complained of the tardiness of the English of the pale, and said, that the mere Irish, if these had not set them on, would not have began so troublesome a work. Patrick O'Bryan affirmed, upon oath,

Anno 1642. This conduct occasioned a Protestant member to

oath, that all the nobles in the kingdom, who were Papists, had a hand in the plot. By the evidence of Francis Sacheverel, Esq. it appears, that four several Irish Popish priests should attest, That the priests, Jesuits, and friars of England, Ireland, Spain, and other countries, were the contrivers and projectors of the rebellion: That they expressed their hopes of being able to subdue the English government in Ireland, and then to conquer England. By lord Macguire's evidence, it was proposed to the chief gentlemen of Ulster, at the time Mr. John Bellew came out of England, with a commission for the continuance of the Irish parliament. Roger More, who among those ruffians was counted a man of honor, and who was allied to many families of the English pale, told the Irish, that when they had once rose, the gentlemen of the pale would not stay long after; at least they would not oppose them: moreover, he had spoken to the lord Mayo, a great man among them, of powerful command in the parts of Connaught, who would not fail to appear on the day appointed, and be seen in the act. Sir James Dillon, and other gentlemen of the pale, promised to appear after the taking the castle of Dublin. Macmahon confesses, in his evidence, that all the chief nobility and gentry of the kingdom were engaged in the plot; and particularly all the Popish party, in the committee sent into England, and in both houses of parliament, knew of it. William Fitz-Gerald affirmed, That Sir Phelim O'Neale told him, that what he did was by direction and consent of the prime nobility and gentry of the whole kingdom; and that what he did in the northern parts was executed in Dublin, and in all other forts and towns throughout Ireland, as being a course resolved upon among the lords and gentry, for the preservation of his majesty's prerogatives, their own religion and liberties, against the Puritan faction in England. Both colonel Read, and the lord Macguire, testified, that Gormanstone knew of the plot whilst he was in England; the latter affirming, that he was told by colonel Plunket, that he had told both Gormanstone, and others of the Irish committee, of it; and that they approved it. The Popish lawyers, in the sessions which immediately preceded the breaking out of the insurrection, declared the following propositions to be the law of the land, viz. That being killed in rebellion, though found by matter of record, would not incur the forfeiture of estates: That though thousands stood up in arms, making destruction, and breaking the peace of
the

observe, that many passages in the assembly were Anno 1642
too like Cataline's in the senate; that as to any thing which might soften the rebels, he conceived they were hardened with so much villainy, that they esteemed all things justifiable which were attainable; and therefore it was fit that that house should act as if they were sensible of the cruelties they had committed, and trust to God to vindicate his and his peoples' cause. The proclamation had occasioned a thinness in both houses, by preventing the members of the distant counties from coming up. In the house of Lords there were but few of the Popish party and but one bishop; therefore the majority contested so strongly the cold protestation which had been sent up by the lower house, that they were obliged to compromise the matter, and alter their style so far as to say, that sundry ill-affected persons had rebelliously and traitorously raised arms. The two houses joined in an ordinance, empowering a committee to confer with the northern rebels, touching the

the kingdom, yet, if they professed not to rise against the King, it was not rebellion: That if a man was outlawed for treason, and his land thereby vested in the crown, or given away by the King, his heir might reverse the outlawry, and recover his ancestor's estate. Whilst these men clothed their pretensions with the language of patriotism, the well-meaning Protestant members not only heard them with applause, but joined with them in the prosecution of those officers of state, who had stretched the prerogative beyond its legal limits. On pretence that the earl of Strafford's servants, in revenge of their master's death, intended a mischief to the parliament, some of the Popish members, in this same session, previous to the massacre, moved the house, and obtained orders for the searching the King's stores for powder and arms: The committee appointed for this office moved the justices, that they might be admitted to see the magazines of powder and arms lodged in and about the castle: This strange request was refused by the justices. *Temple*, 4to ed. 1724, p. 61, & seq. *Borlase*, p. 12. *Carte*, vol. I. p. 161, & seq.

Anno 1642. cause of their discontent; and continued to sit two days, earnestly pressing the state to allow them a longer session. The justices denied this request; but complied so far with their desires, as to shorten the prorogation to January the eleventh. They passed an ordinance, empowering the justices to raise and arm the posse of what counties they thought fit. The lord Dillon of Costelough, one of the committee which had been sent into England, and who, it was supposed, was privy to the commission for the rising of the Irish, having been dispatched by the queen to the King in Scotland, was appointed by the lords to return thither with a representation to the King, concerning the state of the kingdom. In his more private instructions he was ordered to negotiate the staying of forces which should be sent out of England; that the government should be put entirely into the earl of Ormond's hands; that the parliament should remove such officers of state as they thought fit, and recommend natives to their place*.

Temple,
p. 72, & seq.
130.
Borlase,
p. 34.

* The demands, comprised in all the several remonstrances which were sent up by the Papists, were of the following kind: Restoration of the public profession of the Romish religion, bishoprics, deaneries, friaries, nunneries, all other spiritual promotions, and impropriation of tithes; Restitution of all the plantation-lands to the old inhabitants, with the full security of their estates by act of parliament. With these exorbitant requests were others of a more rational nature: That the parliament of Ireland should be declared independent of the parliament of England; and that it had in itself a supreme jurisdiction as absolute as that of England; That Poyning's act should be repealed; That, as in England there had passed an act for triennial parliaments, so in Ireland there should pass one for sexennial parliaments: That there should be a militia established: That the offices of government, and the command of the militia, should be put into the hands of the natives; That monopolies should be taken away by act of parliament: That new corporations, which had not the face of corporate towns, and had been only created

With this nobleman embarked the lord Taaffe, Anno 1642, who had presented to the council a letter from the rebels at Longford, in the nature of a remonstrance; desiring, among other demands, the free exercise of their religion, and a repeal of all laws to the contrary.

When the parliament of England heard of these transactions, they declared they would never consent to any toleration of the Popish religion in Ireland, or any other of his majesty's dominions. According to a vote in parliament, passed November the twenty-third, they seized the two peers, and took possession of their papers: these

Rapin. vol.
XI. p. 277,

Journals of
Commons,
vol. II. p.
323.

ated to give voices in parliament, should be dissolved: That the King should release all tenures *in capite*, and by knights service, in consideration of a settled revenue: And that the exportation of native commodities should be free. These articles, relating to the interior government and trade of Ireland, must be confessed, by every unprejudiced mind, to be founded on the common rights of all mankind; therefore, had they not been introduced by a prelude of such atrocious acts of violence as declared the actors unworthy to partake of the advantages of civil community, ought to have been granted by the British legislature. Such immunities, with an union between the two kingdoms, would in all probability have followed the establishment of the graces, had the Papists of Ireland, instead of flying out against the patrons of Liberty, lent them their assistance towards establishing a perfect system of Freedom in all parts of the British empire.

As it has been elsewhere observed, the Protestant members of the Irish parliament went hand in hand with the Papists in all proposals tending to establish the freedom of the Irish constitution: On the article of the English parliament's encroaching on the parliament of Ireland, the Papists acquiesced, whilst they found it their interest to keep well with the popular party in England: On a member of the Irish parliament being called before the English senate, and addressing themselves to their own parliament, to defend them and their privileges, he was opposed by a Papist, who, represented, that the house would do well not to take notice of the representation, lest variance should arise between the two parliaments. Temple, p. 73, & seq.

Anno 1642. having made their escape, with one Thomas Burke, a brother of the lord Clanrickard, who came over much about the same time, and on the same errand, retired to York, and constantly followed the court, to negotiate the affairs of their countrymen.

The lords of the pale, now finding themselves, by the prorogation of the parliament at this critical time, prevented from taking the management of affairs entirely into their hands, according to the promise they had made to the queen, began openly to avow their hitherto-concealed sentiments. The defeat of the English, at St. Julian's town-bridge, near Drogheda, furnished the rebels with arms and reputation: their number encreased so exceedingly, that their forces about Drogheda, and between this town and Dublin, amounted to twenty thousand men. Encouraged by this unexpected success, the English of the pale, on the authority of a warrant issued from the lord Gormanstone, had a general meeting on the hill of Crofly, in the county of Meath; to this assembly there came a deputation from the rebel army, viz. Roger More, Hugh Byrn, &c. The lord Gormanstone, and other lords of the pale, rode to meet them, and asked them their reasons for coming armed into the pale. Roger More, the speaker of the company, returned answer, That the ground of their coming, and of their taking up arms, was the freedom and liberties of their consciences, the King's prerogative, in which they understood he was abridged, and the freedom of the Irish subject. The lord Gormanstone, after asking them a few more questions to the same purport, told them, that, as these were their true ends, the pale would join them. This farce was concluded

Borlase, p.
39, & seq.
Temple, p.
139, & seq.

cluded with a proclamation, that whosoever refused to unite with, or assist their joint forces, should be accounted an enemy, whose destruction they would labour to the utmost of their power. Anno 1642.

When these proceedings were made known to the justices, they sent a letter to those nobility of the pale who were in the neighborhood of Dublin, demanding their assistance at a conference concerning the present state of the kingdom. The first meeting of the nobility and gentry of the pale was immediately followed by another at the hill of Taragh, from which place a letter of refusal was sent to the justices, on pretence that the Popish nobility and gentry could not with safety attend the council-board, having been informed that Sir Charles Coote had dropped hints tending to a resolution to execute on all those of their religion a general massacre. In answer to this ridiculous charge, the council published a proclamation, giving them assurance of safety, if they would repair to Dublin: testifying withal, that they never heard any speech tending to such a purpose; nor was it even in their thoughts to dishonor the government by so odious, impious, and detestable an action. A party headed by the son of viscount Netterville, who had met in arms at Swords, refused obedience to a warrant from the state, charging them to separate; and threatened to encamp at Clantarf, a village standing on the harbor of Dublin. Some of their followers seized on a bark lying there, and carried off all the commodities they found in her. On this the Lords-justices sent out a party of horse and foot, to prevent any large body of the rebels lodging at Clantarf, and making themselves masters of the few

Temple,
4to ed. p.
146, & seq.

Anno 1642. small vessels which lay in the harbor. The Irish Pápiſts of English extraction, having thus fully publiſhed their intentions, proceeded to put the whole circuit of the pale into a poſture of war. The lord viſcount Gormanſtone was declared general of their forces, Hugh Byrn lieutenant-general, and the earl of Fingall general of the horſe; theſe lords had power to nominate captains and to raiſe foldiers, eight of whom were to be maintained out of a plough-land, containing one hundred and twenty acres: applotments were made of the proportions of corn and cattle to be furniſhed out of every part for the general proviſion of the army. The beſiegers of Drogheda were ſupplied with every thing ſuitable to their wants; the ways of Dublin were blocked up, and the country-people forbid to carry thither their corn. Warrants, in a ſtrain of high authority, were iſſued out by Gormanſtone; whereby thoſe, who had been appointed to raiſe and maintain men, were enjoined to do it on pain of death. Overſeers were nominated; with powers to thresh out and ſecure all the corn belonging to the Proteſtants, for the uſe of the rebel army; and thoſe reſuſant-gentlemen who had been appointed captains of companies, and received arms for the protection of the ſtate, all revolted to the ſervice of the rebels.

From this period, the rebellion, by a quick progreſſion, ſpread itſelf throughout the whole kingdom, with all thoſe circumſtances of blood and violence which attended the firſt inſurrection; the Irish Papiſts of English extraction boaiſting, as a meritorious act, that they had killed more Proteſtants in Fingall, than had been killed in many other counties *.

Barlaſe,
p. 51.

* Sir John Temple ſays, that when, by the union of the English of the pale with the Irish, the rebellion of the Papiſts

In the first order of the parliament of England, before they had received intelligence of those abominable cruelties which had been committed by the rebels, they recommended to the state of Ireland, according to the power of a commission obtained of the King, to bestow a pardon on all such as within a convenient time should return to obedience. Notwithstanding this manifestation of the fairness of their intentions; notwithstanding the assistance they had given to the Irish parliament, to redress all the just grievances of the kingdom; the rebels pretended that they lay under the necessity to take up arms, for the defence of their property, lives, and religion, the Puritan party in the English parliament having threatened them with a general extirpation; grounding this assertion on the report of a few idle speeches, spoken by individuals, many of which were without ground*.

Anno 1642.
Borlase, p.
50, & seq.

pists became general, with one voice they sounded forth from all the provinces of Ireland the same language, they used the same remonstrances, made the same pretences for their justification, and followed the same course, first in stripping, then banishing and murdering the British Protestants. *Temple*, 4to ed. p. 66, & seq.

* Sir William Parsons and Sir Adam Loftus had declared it was said, that ten thousand Scots were to arrive in Ireland to force the Papists to change their religion. Wagers had been laid, at the general assize, that within one year not one Catholic should be seen in Ireland: It was commonly reported, that the parliament of England had a plot to bring all the Papists to church, or extirpate them the kingdom. These are the frivolous grounds on which the Papists, in a remonstrance to the King, pretended to justify their flagitious conduct. It was formally contradicted by the state, that such words were ever spoken by Sir William Parsons and Sir Adam Loftus; nor could the truth of such a declaration, if there ever had been any such, gain belief among the Irish Papists; for they fondly imagined, that the King's concessions had gained so far on the Scots, as to attach them entirely to his and their joint interests; and so

Anno 1642. Nothing could be more weak than the flagitious conduct of the English of the pale, a conduct by which they united themselves to a parcel of malecontents with whom they had always been at variance, on motives of interest and national prejudices; men, whose ancestors having forfeited by rebellion those estates which the English of the pale enjoyed, did not regard themselves as benefited by the immunities which the kingdom was on the point of attaining, and which nothing but so general a rebellion could probably have prevented. The absurdity of their conduct was so obvious to these Irish desperadoes, who still retained their antient animosity against men whom they regarded as invaders of their rights, that with many insulting scoffs they upbraided them with their folly, saying publicly, "We have now put a trick upon the old English of the pale, for all the old tricks they have

fondly persuaded were the Irish Papists of this opinion, that when, as auxiliaries to the state of England, they were invaded by the Scots, they regarded this people as friends, till, by their acts of hostilities, they convinced them that they came in a contrary character. The story of the wager had its rise from the following innocent joke: A Papist having asserted, at the sheriff's table, that he would never go to church, he was merrily answered by a Protestant, "I will give you five pounds; and you shall give me fifty for it, if you come not to church within this time twelve-month." For the report concerning the parliament of England, it must be regarded by the men of knowledge among the Irish Papists to be groundless, the mere creature of sedition, since, though the English parliament had shewn a well-founded jealousy of the English Papists, these having ever distinguished themselves as the tools of power, they had acted in a cordial, friendly manner by the Irish Papists, whilst this body pretended to conduct themselves on the principles of Liberty; and had assisted their agents in every laudable attempt they had made to vindicate their freedom. *Rushworth*, vol. IV. p. 385, & seq.

put upon us." They would likewise threaten Anno 1642.
 them in the following manner: "Do you think,
 if we were rid of the English, that we would
 spare you? No. Though we make use of you
 at present, we would cut all your throats; for
 you are all of one race with the other English *."
 Powerful must be that influence which could
 unite two bodies of men, whose ancestors, till the
 plantation of the new English and Scots in Ul-
 ster, had, for the space of four hundred years,
 harrassed one another with incursions and depre-
 dations. It is to be gathered from circumstances,
 that when the infernal plot of the Irish insurrec-
 tion was machinated at Whitehall, it was there
 agreed, that the old Irish, having little or no pro-
 perty to lose, would be more forward to begin
 the scene of confusion; that the Irish Papists of
 English extraction, having in former times acted
 successfully and powerfully against the northern
 Irish, would be trusted with the business of their
 reduction; that, by a majority in parliament,
 which must be the natural consequence of the re-
 bellion †, they would procure to themselves and
 those Protestants who were devoted to the King,
 the management of all affairs, both civil and mi-

* It is said, that the gentlemen of the pale continually
 lamented their misfortune, in being joined to people who
 had ever been their enemies; That it was the practice of
 the old Irish to steal their horses, and bring them back for
 premiums, which had been offered for finding them: That
 they would be continually cessing soldiers on them, and take
 every opportunity to defraud and oppress them. Such was
 the inveteracy of the Irish priests against their own order in
 the pale, that they would not let any of them say mass in
 their churches. *Carte*, vol. I. p. 257.

† Many of the Protestant members were slain and detained
 prisoners, whilst every Popish recusant in the kingdom re-
 tained his freedom, and remained unmolested.

litary;

Anno 1642.

Carte, vol.
I. p. 262.

litary; and by this means be able, not only to master the hot spirits at Westminster, as they vaunted to the queen, but curb the too presuming pretensions of their natural enemies the old Irish. Certain it is, that when, by the caution of the council of Ireland, they were obliged to declare themselves on conditions not equally advantageous to their first views, they shewed so great a distrust of their confederates, that they employed agents to prevent their own body from enlisting themselves under Roger More, or any of the Irish commanders.

As the rebels always avowed their personal loyalty to the king, and that their quarrel lay against the other parts of the English legislature, who had abridged his prerogative, the justices; to exculpate majesty from countenancing such villainy, and to prevent, as they express themselves, the ignorant multitude from being seduced to the rebel party under such an opinion, sent over a proclamation to be immediately published by the King: Twenty of which, it would be necessary, they said, should be signed by his own hand, and sealed with his privy-signet, to be dispersed several ways. No other authority, they asserted, would be sufficient to convince the rebels that it was his act. The letter, in which the King was pushed so home to declare his disapprobation of the conduct of the Irish recusants, was directed to the earl of Leicester the lord lieutenant; therefore could be no secret. This circumstance, with that of the house of Commons declaring at this time that one great obstruction to the relief of Ireland was, that the Irish had not been declared rebels by proclamation, obliged the King to issue out one, in which they were nominated traitors and rebels. To the King's

printer was sent an exprefs command, figned by Edward Nicholas, one of the fecretaries of ftate, that forty and no more fhould be printed, and not any of them publifhed till farther orders. The rebels gave little credence to the words of the proclamation, declaring it was either counterfeited or forced unwillingly from the King. They united themfelves in one body, under the ftyle of the Confederate Roman-catholics of Ireland; binding themfelves to the confederacy by an oath of affociation, to maintain and defend the public and free exercife of the Popifh religion againft all perfons who fhould oppofe the fame; to bear faith and allegiance to the King and his heirs and fucceffors; to defend them with their life, power, and eftate, againft all thofe who fhould attempt any thing againft their royal perfons, eftates, honors, and dignities, or who fhould directly or indirectly endeavor to fupprefs their regal prerogatives.

Anno 1642.

Rapin,
vol. XI. p.
283.Berlase,
p. 56.

C H A P. IV.

An ordinance to fettle the militia, by authority of parliament, paffes both houfes.—Resolutions of the parliament concerning putting the kingdom into a pofture of defence.—Declarations and meffages pafs between the King and parliament.—The parliament take meafures to fecure Hull, and to prevent the importation of foreign troops.—Farther precautions of the parliament.—The King offers to go in perfon to Ireland.—The parliament declare againft the King's intention.—The King endeavors to fecure Hull, but is foiled.—He declares Sir John Hotbam a traitor.—The parliament juftify their governor, declare the
King's

King's proceedings to be contrary to law, and take farther measures to secure the northern parts of the kingdom.—Papers pass between the King and the parliament on the business of Hull.—The King refuses the parliament's bill to settle the militia.—Declarations on both sides.—The King issues out a proclamation which the parliament countermands.—Nine peers impeached by the parliament.—The King levies forces under the guise of a guard.—The parliament secure to themselves the command of the fleet, and take other measures to prepare against the threatened war.—Declarations.—Littleton the lord-keeper leaves the parliament, and carries the great seal to the King.—The parliament send nineteen propositions to the King, which are rejected.—The King disavows an intention of levying war on the parliament, yet takes measures to put himself in a military posture.—On receiving foreign supplies, he declares war on his opposers.—Endeavors in vain to get the command of the fleet.—Fruitless expedition against Hull.—The parliament pass a vote for raising an army, and prepare for defence.—They send propositions to the King for peace, which are rejected.—Goring the governor of Portsmouth declares for the King.—The King publishes a declaration against the parliament, in which he requires his subjects to repair to his standard at Nottingham.

Anno 1642.

IT was at this period the nation was convinced of the truth of those arguments which had been urged by the popular leaders in the debates on passing the remonstrance, viz. That vigilant counsels and vigorous measures were necessary to secure to the public the good laws which had passed

passed this parliament *. There was now no question, that the King intended, by the accusation of the six members, to lay the ground for rescinding all those concessions which had reformed and limited his government; that he looked on them as attained by violence, and therefore invalid; and that he was arming himself with powers to put this logic in practice †. The parliament being well informed of the queen's transactions in Holland, of a treaty on foot with the King of Denmark, of applications which had been made by the Papists to the courts of Spain and France to furnish troops to assist the regal and Catholic cause, began to exert with vigor the full force of parliamentary authority to preserve the civil and religious liberties of the kingdom. The several commissions which had been granted under the great seal for lieutenantcies of counties were call-

An ordinance to settle the militia by authority of parliament, passes both houses, with resolutions concerning putting the kingdom into a posture of defence.

* What these popular leaders particularly alluded to, was the intended impeachment of the six members. They had intelligence of this design from the committee appointed to watch the King's actions in Scotland, who procured the return of the forged subscription of names, which had been affixed to Saville's invitation. These men, by their great abilities, directed all the movements of the Scots in regard to Great Britain: They were of the committee to treat with the commissioners of that kingdom, in all affairs which concerned the peace of the two nations.

† On the occasion of the King's passing the bill for taking away the bishops' votes in parliament, Clarendon observes, that an opinion that the violence and force used in procuring this bill rendered it absolutely invalid and void, made the conformation of it less considered, as not being of strength to make that good which was in itself null; adding he doubted not such logic had an influence upon other acts of no less moment. We may gather from the same historian, that the King looked on his concessions to the Scots as extravagant, and wrested from his necessities; and that some of that nation had assured him, that when the troubles of the late storm were perfectly calmed, they would repeal whatever was unreasonably extorted.

Anno 1642. ed in and cancelled †, and an ordinance of militia, in which the King's name and authority were left out, made its way through both houses with little opposition *. An order at the same time passed, that the lord-high-admiral should take effectual care that all ships belonging to the royal navy should be made fit for service; and that the masters of trading vessels should be desired to prepare their ships in such a readiness, that on an emergent occasion they might be put to sea at a short warning †. To justify the grounds of those fears and jealousies which occasioned the parliament to exert powers unauthorized by the common forms of the constitution, a declaration in answer to the reply which had been made by the King to their

Journals of Commons,
vol. II. p.
466.

Declarations and messages pass between the King and parliament.

† From the vote for cancelling these commissions, the earl of Southampton, the lords Mowbray, Howard, and Seymour, dissented.

* In the upper house dissented those lords who had protested against the vote for putting the kingdom into a posture of defence; with the lords Rich, Howard de Charlton, and Saville. The arguments urged for the legality of the ordinance were drawn from precedents in the reign of Edward I. during the absence of this king, who returned not to England till two years after the decease of his father, Henry III. and from precedents during the minority of Henry VI. and Edward VI. In one of the debates concerning this ordinance, Whitlock, a lawyer of eminence, gave an opinion, That the power of the militia was neither in the King alone, nor in the parliament: That if it was any where, in the eye of the law, it was in the King and parliament consenting together. *Parl. Hist.* vol. X. 280, & seq.

† Among other advertisements of foreign preparations, the two houses had received advice from Sir Philip Carteret, governor of Jersey, that the French had lately increased their forces, and were drawing down to the sea-side seven thousand men, raised in the provinces of Normandy and Picardy, besides five thousand appointed to be raised. *Journals of the Commons*, vol. II. p. 498.

last

last message concerning the militia, was sent to him whilst on his journey to York *. Anno 1642.

* In this it is asserted, that the design of altering the religion of the country had been carried on for many years, by those in greatest authority under the King, assisted with the queen's agent at Rome, and the pope's nuncio here: That the war with Scotland, invited and fomented by the Papists, was procured for this intent: That the rebellion in Ireland, was framed in England: That, by the tumultuary and seditious carriage of the Papists in England, their suspicious meetings and consultations, with several advertisements and testimonies from Ireland, it was to be concluded, that their intention was to rise at the same time: That with the designs of these agreed the public declaration of the Irish rebels, that they would recover to his majesty his royal prerogative, wrested from him by the Puritan faction in the English parliament; and that they would maintain episcopal jurisdiction. To strengthen this suspicion, the declaration notices a design, styled The Queen's Pious Intention, for success of which the pope's nuncio enjoined fasting and prayer to be observed every week by the English Papists: The boldness of the Irish rebels, in affirming, they did nothing but by authority from the King: Their styling themselves The Queen's Army, and marking the booty taken from the Protestants with the queen's mark: The manifold attempts there had been to debauch the late army, the army of the Scots, and to raise a faction in the city of London, and other parts of the kingdom: That those who had been actors in these businesses had their dependance, countenance, and encouragement from the court. To evince this, the declaration notices, that Mr. Jermyn and others had been transported beyond sea, by a warrant from the King's own hand, when he had given assurance to the parliament, that he had laid a strict command on all his servants, that none of them should depart from court: The petition delivered to captain Legge, by the King, and accompanied with a direction, signed C. R. was remembered: The accusation of the six members, and intended violence on the house of Commons: The entertaining of disbanded officers, soldiers, and others, and countenancing them in their violent acts: The endeavoring to gain the gentlemen of the Inns of court: The endeavoring to infuse an ill opinion of the parliament throughout the kingdom, and other symptoms of a disposition to raise arms: The sending away the lord Digby, by an express warrant, after his attendance had been required in parliament: The purport of his letters to the
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Anno 1642.

The justness, freedom, and manliness of the strain of the parliament's expostulations gave a

the queen, "That the King should declare himself, and retire to a place of strength in the kingdom;" His offering to entertain correspondence with the queen by cyphers, intimating some secret service he was to do. "This malicious counsel, says the declaration, we have great cause to doubt, made too deep an impression in your majesty, considering the course you are pleased to take, of absenting yourself from your parliament, and carrying the prince with you." With the suspicions arising from this conduct concurred advertisements from France, Rome, Venice, and other parts, where it was expected that the King had some great design in hand, for the altering religion, and breaking the neck of the parliament; and that the kings of France and Spain had been solicited by the pope's nuncio, to lend four thousand men each, to help to maintain the King's royalty against his parliament. "These, says the declaration, are some of the grounds of our fears and jealousies, which made us implore your royal authority and protection for our defence and security; which being denied by your majesty, seduced by evil counsel, we do with sorrow, for the great and unavoidable misery and danger which thereby is likely to fall upon your own person and your kingdoms, apply ourselves to the use of that power, for the security and defence of both, which, by the fundamental laws and constitutions of this kingdom, resides in us, still resolving to keep ourselves within the bounds of allegiance to your sacred person and your crown. We have, according to your majesty's desire, laid our hands upon our hearts; we have searched our affections and our thoughts; considered our actions, and we find none which can give your majesty any just occasion to absent yourself from Whitehall; but that you may with more honor and safety continue there than in any other place. We beseech your majesty to consider in what state you are, how easy and fair a way you have to happiness, honor, greatness, plenty, and security, if you will join with the parliament and your faithful subjects, in defence of the religion and public good of the kingdom. This is all we expect from you; and for this we shall return to you our lives, fortunes, and uttermost endeavors to support you in your just sovereignty and power over us: But it is not words which can secure us in these our humble desires; we cannot but too well and sorrowfully remember what gracious messages we had from you this summer, when, with your privy, the bringing up the army was in agitation;

greater shock to the King's monarchical prejudices than he had yet through the whole course of the controversy sustained. "He was sorry in the distractions of the kingdom, he said, that the parliament should think this way of address to be more convenient than that proposed by his message of the twentieth of January last. For his fears and doubts he did not think they would have been thought so groundless or trivial, while so many seditious pamphlets were looked on, and so great tumults remained unpunished and unenquired into. He asked the messengers, What they would have? Had he violated their laws? Had he denied to pass any one bill for the care and security of his subjects? Had any of his people been transported with fears and apprehen-

agitation; we cannot but with the like affections recal to our minds, how, not two days before you gave directions for the above-mentioned accusation, and your own coming to the house of Commons, that house received from your majesty a gracious message, That you would always have the same care of their privileges as of your own prerogative, of the safety of their persons as of your own children. That which we expect, and which will give us assurance that you have no thoughts but of peace and justice to your people, must be some real effect of your goodness to them, in granting those things which the present necessity of the kingdom doth enforce us to desire; and, in the first place, that your majesty will be graciously pleased to put from you those wicked and mischievous counsellors, who have caused all these dangers and distractions; and to continue your own residence and the prince's near London and the parliament. This, we hope, will be a happy beginning of contentment and confidence between your majesty and people, and be followed by many succeeding blessings of honor and greatness to your majesty, and of security and prosperity to them." To this declaration was affixed some additional reasons, urging the inconveniencies and dangers which must arise from the King's absenting himself from parliament. *Parl. Hist.* vol. X. p. 337, & seq.

Anno 1642.

sions? He had offered as free and general a pardon as themselves could devise*. God so deal with him and his, as all his thoughts and intentions were upright for the maintenance of the true Protestant religion, and for the observation and preservation of the laws of the land†." On the King's asking what he had denied the parliament, the earl of Holland instanced the militia. The King replied, he had not denied it, and they were much mistaken if they thought his answer to it was a denial: But on being pressed by the earl of Pembroke to declare whether he would grant it for a time, as the parliament desired it, he swore, by God, not for an hour. "The business of Ireland, he told them, would never be done in the way they were in; four hundred would never do it, it must be put into the hands of one: if he were trusted with it, he would pawn his head to end that work; and though he was a beggar, yet, by God, he ‡ could find money for that."

Journals of
Commons,
vol. II. p.
479.

On the return of their messengers, the parliament proceeded to pass several votes for putting

* This offer was not at all agreeable to the views of the popular leaders; it would have screened all the great delinquents who had been impeached in parliament from farther censure and punishment; and it would have implied a principle in the constitution very convenient to the King's schemes, and very dangerous to public Liberty; viz. That the leaders of the opposition to the late tyrannical administration had, by their exertions in defence of Freedom, acted unconstitutionally, and had incurred a legal offence.

† By the true Protestant religion Charles always meant those particular forms and superstitious ceremonies, which the parliament had exploded; and by the laws of the land, that fond idea of regal power he had entertained, and endeavored to put in practice.

‡ These strong asseverations were reckoned, in these sober, virtuous times, very indecent modes of expression, and were only used by the courtiers, and others of loose morals.

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the kingdom into a posture of defence; one of these was to the following purport: That in case of extreme danger, and of his majesty's refusal, the ordinance agreed on by both houses for the militia did oblige the people, and ought to be obeyed by the fundamental laws of the kingdom*. The very day after passing these resolutions a message was received from the King, signifying that he was then on his remove to the city of York. In this message he artfully urged the expediting the business of Ireland, because it was a popular topic, and he knew that the parliament was so entangled in their preparations in defence of the liberties of England, that they could not at this time attend to the unhappy circumstances of that kingdom, without endangering the freedom of the whole empire. He told them, that as he had been so tender of the privileges of parliament, as to have been ready and forward to retract any act of his own, which he had been informed had trenched upon them, so he expected an equal tenderness in them of his known and unquestionable privileges, which were the privileges of the kingdom: among which he was assured it was a fundamental one, that his subjects could not be obliged to obey any act, order, or injunctions, to which he had not given his consent. In the conclusion, he recommended to them the substance of his message of the twentieth of January; that they would compose and digest with all speed such acts as they should think fit for the present and future establishment of their privileges, the free and quiet enjoying of their estates and fortunes, the liberties of their persons,

* In the house of Lords the six following peers dissented: Earls of Bath, Southampton, Cleveland, Newport; lords Dunsmore and Capel.

Anno 1642. the security of the true religion now professed in the church of England, the maintaining his regal and just authority, and settling his revenue *.

Clarendon's
Hist. vol. I.
P. 354.

Both houses were highly exasperated at the receipt of this message: The very day before, they had voted that their ordinance of the militia ought to be obeyed; so that they concluded the King's message being pointed at, these votes could not have been sent from Huntingdon, where the King then was, but must have been inserted in blanks left in the town. The fire of resentment was first kindled in the upper house. The Lords voted, "That when the parliament, which is the supreme court of the kingdom, shall declare what the law of the land is, to have that not only questioned and controverted but contradicted, and a command that it should not be obeyed, is a breach of the privileges of parliament." † This, and other their resolutions concerning the necessity of enforcing the ordinance of the militia, were confirmed by the

* This invitation was plausible to the public, and did not engage Charles to stand to any concessions he did not approve. He could always dispute with the parliament on the question, What was true religion? and those conditions they might think necessary for the securing public Liberty, and the privileges of parliament, he would object were derogatory to his regal and just authority.

† For the parliament, or any power of the kingdom, to be possessed of such an absolute authority in the declaring law, that such declaration is not to be questioned nor controverted, must be productive of much tyranny. The law ought to be so clearly expressed, that it should be obvious to public and private understanding. This vote was passed to fit a particular case, and levelled only at kingly authority, not meant to affect private individuals; and thus explained by the parliament in one of their declarations: "That is turned into a general assertion, say they, which in our votes is applied to a particular case." *Parl. Hist.* vol. XI. p. 28.

Commons.

Commons. At the express desire of the Lords, Anno 1642. a committee was appointed to find out by whom the King's message was framed; and some farther resolutions passed in condemnation of those evil counsellors who advised the King to courses so destructive to the peace of the kingdom.

To that declaration of the parliament, which contained the reasons of their fears and jealousies, an answer at large was returned by the King *.

* To the particulars urged against him, he replied in generals, or endeavored to weaken their force by futile prevarications. To the article of altering religion, he wished that the judgments of God might be manifested on those who had any such design. To the Scotch troubles, the act of oblivion had stopped his mouth from any reply: To the rebellion in Ireland being framed in England, he desired the parliament to find out the authors and maintainers of it; and, for the clearing his own innocence, he laid a great stress on the expressions of zeal he had shewed for reducing the rebels; adding, that he was ready to venture his royal person for the redemption of his Protestant subjects, well knowing that as his interest was more concerned in them, so he was to make a strict account to Almighty God for any neglect of his duty for their preservation. To the plot against the parliament, he denied that he was privy to any resolution in the army to force it; because, as it has been before observed, though he knew all the circumstances of the plot, yet the army could not be brought to agree to what had been proposed of this kind by the queen and her cabal. For the proceedings against the six members, he hoped that his protestation on that head would so far have satisfied the parliament of his intention, that they would have entertained no other imagination of that design than was therein expressed. For Mr. Jermyne, he was gone from Whitehall before he received the desires of both houses, for the restraint of his servants. For the lord Digby, he assured them, that he had his warrant to pass the seas, and had left the court before he had heard the vote of the house of Commons, or had any cause to imagine his absence would have been excepted against. For their foreign ad-
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vertisements,

Anno 1642.

Many were the declarations and messages which passed between the King and parliament, during the progress of his journey to York. The King endeavored to persuade the public, that he had granted every thing he ought to grant, to give the parliament satisfaction. The parliament, by just comments on his conduct, convinced the discerning part of the nation, that, at the very time when they had in a manner forced his assent to their necessary demands, he had been and was now contriving the means to invalidate those concessions. To the accusation he had flung out in his speech, of their encouraging tumults, they observed, That if any extraordinary concourse of people, out of the city of Westminster, had, in his apprehension, the face

Parl. Hist.
vol. X.
p. 374, &
seq.

vertisements, he was confident no sober or honest man in the kingdom could believe that he would be so senseless as to entertain counsels which would not only bury his kingdom in sudden destruction, but his own name and posterity in perpetual scorn and infamy. The King finished his declaration with magnifying his grace and justice, in passing those acts to which the parliament had extorted an unwilling assent; and told them, "That if, for his security, the laws of the land and good government in the city of London were revived, he would overtake their desires, and be as soon with them as they could wish."

The King's person never was in any danger from the London tumult; but it was convenient to his purpose to make use of such a pretence to excuse his retiring from his parliament. In another message he told them, "That they must not expect his presence until they had both secured him concerning his apprehensions of tumultuous insolences, and given him satisfaction."

Mr. Jermyn was transported out of the kingdom, by the King's warrant, after he had promised the parliament that none of his servants should depart from court. On the prevaricating circumstance of the warrant's being anti-dated, he denied this fact, and exclaimed, whilst the article was recited to him by the messengers of the parliament, "That's a lie! that's false!"

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and shew of tumult and danger, it would appear to be caused by his denial of such a guard to the parliament as they could confide in: and by taking into Whitehall such a guard to himself as gave just cause of jealousy to the parliament, and of terror and offence to the people. To that question, whether he had violated their laws? they desired him to remember, that the government of the kingdom, before the meeting of this parliament, consisted of many continued and multiplied acts of violation of laws, the wounds whereof were scarcely healed, when the extremity of all those violations was far exceeded by the proceedings against the six members. To his question, whether he had denied any bill for the ease and security of his subjects? they acknowledged that many good bills had passed; but observed, that at the time of passing them, some design or other had been on foot, which, had it taken effect, would not only have deprived them of the fruit of those bills, but have reduced the kingdom to a worse condition than the parliament found it in. To the question, what they had done for the King? they answered, That the defraying the charges of those mischiefs which bad administration had occasioned, would cost the kingdom more than two millions; an expence which ought to have been borne by the crown. As for his majesty's offered pardon, that could be no security for their fears and jealousies, which did not arise from any guilt of their own actions, but from the evil designs and attempts of others. To this poignant answer were added informations they had received from the deputy-governor of the merchant-adventurers at Rotterdam, concerning the lord Digby's negotiations of an army which was to be transported from Denmark to Hull;

Anno 1642, concluding with intreating the King to calm the fears of his people, by a return to his parliament *.

The parliament take measures to secure Hull, and to prevent the importation of foreign troops.

Journals of Commons, vol. II. p. 487, & seq. Parl. Hist. vol. X. p. 372, 378.

Precautions of the parliament.

The security of Hull, and to prevent the importation of foreign troops, were now become the particular objects of this assembly. An express was sent to Sir John Hotham, to suffer no foreign ships to come into the harbor, without strict examination; nor to receive any English, or other troops, into the town, but such as both houses should direct; that the mayor of Hull, and all other his majesty's officers and subjects, were to assist him in this order, as they should answer the contrary at their peril. The lord-admiral was desired to enquire the reason why one of the King's ships was left behind in Holland; how it was to be employed; and when it was to return: likewise to command the ships at sea to examine all vessels which passed between Holland and Hull, and to send some small frigates northward of Hull, to give intelligence of any armament likely to come from Denmark thither; and to enquire of all ships which came out of the Sound, what preparations of land and sea-forces there were about Elfenore. The lord-lieutenants and high-sheriffs of the northern counties were ordered to suppress all forces which should be raised without the direction of parliament, and to take an especial care of Newcastle, Hull, and other towns on those coasts.

* The inhabitants of Rutland preferred a petition to the same purport, as the King passed through that county in his way to York. The King, in answer to this message of the parliament, assures them, "That no straits or necessities should ever compel him to do that which the reason and understanding God had given him, and the honor and interest with which God had entrusted him, for the good of his posterity and kingdom, should render unpleasant and grievous to him. *Journals of the Commons*, vol. II. p. 503.

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The King, not finding the dispositions of the people so favorable to his interest as he had flattered himself the remoter counties from the capital were *, endeavored to put in practice that part of the queen's counsel which related to his retiring into Ireland. He signified to the parliament, that he was resolved to go in person to suppress the rebellion. He intended, he said, to raise, by his commission in the counties near West-Chester, a guard consisting of two thousand foot and two hundred horse, to be armed from his magazine at Hull; that the officers and common soldiers should all take the oath of supremacy and allegiance; and desired the parliament would undertake the charge of paying them: but if that should be found too great a burden to his good subjects, he would be willing to sell or pawn any of his parks, lands, or houses, towards a supply. To facilitate the execution of this project, he offered to pass a bill which settled the militia in the hands of the parliament for one year, and called God to witness, that he would not decline any hazard of his person in performing that duty which he owed to the defence of God's true religion and his distressed subjects; nor would he ever consent, upon whatsoever pretence, to a toleration of the Popish religion, nor to the abolition of the laws in force in that kingdom against Popish recusants †.

Anno 1642.

The King offers to go in person to Ireland. Parl. Hist. vol. X. p. 427, & seq.

* The King, on his first coming into the county of York, was petitioned by the inhabitants to declare fit means and expedients to take away misunderstandings between him and his parliament. *Russworth*, vol. IV. p. 613.

† The King declared, " That he was grieved at the soul for the calamities of his good subjects of Ireland: That, out of his pious zeal for the honor of Almighty God, in establishing the true Protestant profession in that kingdom, and his princely care for the good of all his dominions, he had

Anno 1642.

The parliament declare
against the
King's going
to Ireland.

The party he had to deal with were too well apprized of his designs, and the ticklish situation of affairs, to be caught with the bait. Both houses resolved upon the question, *nemine contradicente*, That it would be most dangerous and unsafe to consent to his majesty's going into Ireland*. Roused and alarmed with fears, that the King would by this means put himself at the head of two large armies, the one under Ormond, and the other under the rebel commanders, they drew up a petition, in which they testified some resentment at the King's resolving on a matter of that importance, without the advice of his parliament; alleging the following reasons against the intended expedition: Danger to the King's person; inconvenience of his absence; the insecurity of the adventurers, who, foreseeing an improvident peace, would pay in no more money upon their subscriptions; that it would encourage the rebels, who professed the King did allow of their proceedings; that it would encrease the fears and jealousies of this nation, who would suspect some force was intended. The petition concluded with the following peremptory declaration: "That they could not consent to any levies or raising foldiers for Ireland, or to the payment of them, but such as should be em-

had firmly resolved to go with all convenient speed into Ireland, to chastise those wicked and detestable rebels, odious to God and all good men." The King had more than once before made the same offer of going into Ireland; but the parliament waved the returning any answer. *Rapin*, vol. XI. p. 437.

* For reasons obvious, the King's moderate friends, as well as opponents, were very much against his going into Ireland. Clarendon says, it was a counsel communicated to very few, without consideration of the objections which would naturally arise against it.

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ployed and governed by their directions: That ^{Ann. 1642.} if such levies should be made, not agreed to by them, they should interpret the same to be raised for the disturbance of the public peace; and should apply the authority of parliament to suppress the same: That if his majesty should be persuaded to go to Ireland, contrary to their advice, they would not submit to any commissioners he should chuse; but did resolve to preserve and govern the kingdom by the advice of the two houses*; and therefore they humbly entreated him to desist, to return to his parliament, and leave the management of the Irish war entirely to them." With this petition passed a resolution, declaring any man an enemy to the state, who should endeavor to raise forces for Ireland, or continue any forces so raised, without the consent of both houses †.

To these peremptory determinations the King was obliged to submit, fearing a fate similar to that of Richard II. who, on his return from Ireland, found himself totally dispossessed of his sovereignty in England. Foiled in this business ‡, he turned his thoughts towards getting

* In the King's answer to this petition, he asserted, "That a commission to govern the kingdom had always been used by his progenitors, during absence, whilst a parliament was sitting; and it was what themselves had desired, at his last going into Scotland." It may be worth observing, that the King now urged that to be constitutional, which he had disputed as illegal, when demanded on an occasion not so agreeable to his views.

† The Scotch privy-council, on the King's signifying to them his inclination to go in person to Ireland, shewed, by the objections they raised, a great dislike to the proposal.

‡ A business which, as Clarendon, who was at this time one of his great counsellors, says, had he carried into execution, he would speedily have reduced Ireland, and brought his other two kingdoms into proper bounds: that is, he would

Anno 1642. possession of the important fortress of Hull *.

The parliament, jealous of his near neighborhood to this place, had given Sir John Hotham orders to introduce into the town eight hundred of the Yorkshire militia; and though this reinforcement, with the ordinary garrison and natural strength of the place, was sufficient to repel any force the King could bring against it, yet fearing treachery, they had petitioned the King to permit the removal of the magazine to the Tower of London, its stores being much exhausted with arming both the English and Scotch forces which served in Ireland. This having been denied, it was resolved by the Lords, and then by the Commons, That it was necessary the magazine of Hull should be removed to the Tower of London; and orders were sent to prepare ships for its transportation †.

would have brought all those Irish Protestants, who did not admit of an absolute power in the crown, under subjection; and, with the assistance of the rebels and the malignant party, who declared themselves partizans to prerogative, would have subdued the spirit of Liberty in England and Scotland. *Clarendon Hist.* vol. I. p. 393.

* If the parliament had been credulous enough to have given way to the King's proposition concerning Ireland, he might have employed the new-raised levies in the reduction of Hull; and then, having secured that important fortress, might have passed over, and put himself at the head of the Irish army. *Rapin*, vol. XI. p. 440.

† Sir Richard Hutton, not the judge of that name, but the son of archbishop Hutton, had petitioned the King to take measures for the continuance of the magazine at Hull, "Because, says the petition, that part should be best provided where your sacred person doth reside; your person being, like David's, the light of Israel, and more worth than ten thousand of us." On a motion of the Commons, the Lords passed an order, That these petitioners should be sent for as delinquents, for being active against the parliament. Obedience to the order was refused, on pretence of the King's warrant, wherein the petitioners were charged
on

Charles, on some hopes of cajoling Sir John Hotham into a breach of trust, sent his son the duke of York, the elector palatine, and several other of the nobility who had followed his fortune, into the town, where they were received with great civility and politeness by the governor. The next day, being the twenty-second of April, he advanced with three hundred horse, and dispatched a messenger to Sir John Hotham with a letter, signifying, that he intended to visit his town of Hull and the magazine; that Sir John Hotham must provide for the reception of him and his train; he doubted not of his obedience, else he must make his way into the town, according to the laws of the land. Sir John Hotham, in great confusion, called the chief magistrates of the town and officers of the garrison to council. It was resolved not to admit the King. A respectful message was sent, entreating him to forbear his intended visit. On his nearer approach, the bridge was drawn up, and the garrison put into a posture of defence.

Anno 1642.
The King
endeavors to
secure Hull,
but is foiled
in the at-
tempt.

on their allegiance, and on pain of the King's heavy displeasure, at their peril to stir out of the county, but there to abide, to attend his service as he should direct. A petition of a different kind was presented to the King from others of the Yorkshire gentry, well-affected to the parliament: it represented the other petition for continuing the magazine at Hull as the work of a few gentlemen only, and desired his majesty to apply himself to all good ways of union, that those duties which, by the laws of God and man, they owed, and which were expressed in their last protestation, might not become a divided proposition; since the defence of his majesty's person, honor, and estates, the power and privileges of parliament, and the lawful rights and liberties of the subject, did all strengthen each other; all which they would equally labor to preserve, to the utmost of their powers, lives, and estates. *Parl. Hist.* vol. X. p. 454, & seq. 485. & vol. XI. p. 116.

Anno 1642.

The King
declares Sir
John Ho-
tham a trai-
tor.

Charles with a loud voice demanded entrance. This Sir John Hotham, on his knees, and with much civility of language, pleading* his trust from parliament, absolutely refused. In vain did the King repeat his demand, offering to reduce his train to twenty persons. He then desired the governor to come out to him, on his word of safety and liberty to return. This the governor not chusing to trust, excused himself from obedience; nor would yield to other concession, but that the King's son, and the rest of his friends, should be sent out of the town†. Charles, enraged at his disappointment, proclaimed Hotham a traitor, by two heralds at

* During this parley, some of the King's train, the same who attended him in his expedition to force the parliament, in an insolent and impetuous manner called out to the townsmen to kill Sir John Hotham, and sling him over the walls. On their return to York, Sir Francis Worthly, and others, drew out their swords, and demanded who would be for the King? *Parl. Hist.* vol. X. p. 474, & *seq.* *Vicars's Parl. Chron.* p. 89.

† It is said, from the authority of memoirs left to the Scotch college at Paris by the duke of York, that Hotham was well disposed to have delivered up Hull to the King, but was deterred by a private letter he received from one of the King's gentlemen of the bed-chamber, assuring him that, if the King got admission, he would hang him up, as a monument of vengeance against all parliament-commanders. Sir John Hotham did aver, that he received such an intimation; and the King mentions it as a deceit of his enemies to prevent Sir John Hotham from giving him admittance. The parliament would not allow, that such an intimation ought to have been the ground of Hotham's conduct. After the King had retired from the town, he sent a letter to the mayor of Hull, requiring him, the townsmen, and soldiers, not to obey their governor, nor to suffer the magazine to be removed. *Rusworth*, vol. IV. p. 584. *Parl. Hist.* vol. X. p. 474, & *seq.*

arms;

arms*; and, after having staid five hours before Hull, returned to Beverley †. Anno 1642.

The conduct of the governor of Hull was a very important incident towards the success of the popular cause. It not only prevented the King from becoming master of the largest magazine of arms, and the most important fortrefs in the kingdom, which would have enabled him to enter on the war at least on equal terms with the parliament; but Sir John Hotham being a man of fortune, who had an important stake in the country, his example had a great influence on the behavior of others. Charles, in very

* “ If the solemn proclaiming a man a traitor, said the parliament, signifies any thing, it puts him, and all those who any way aid and assist, or adhere unto him, into the same condition of traitors, and draws upon him all the consequences of treason; and if this may be done by law, without due process of law, the subject hath a very poor defence of the law, and a very small, if any, proportion of Liberty thereby; and it is as little satisfaction to a man who is exposed to such penalties to say, he shall have a legal trial afterwards, as it is to condemn a man first, and try him afterwards.” *Parl. Hist.* vol. XI. p. 110.

† The King, on being refused admission into Hull, commanded the sheriff to raise the trained-bands, to force the town. Sir Richard Hutton, the judge, who executed the office of sheriff, refused to obey the mandate, being, as he conceived, against law. On this, the King summoned the justices of the peace and gentlemen of the county, to attend him at York; asked their advice concerning his not being admitted into his town of Hull; and demanded of them, “ Whether they would defend his person from violence, according to their duty, or not?” To this they returned, “ That they should be ready to defend his majesty’s person from violence, by all such ways as the laws and their duty bound them; and, for the means to vindicate his honor, and put him into possession of his own, they conceived the best advice they could offer would be humbly to desire his majesty to hearken to the counsels of the parliament, who, they assured themselves, would be careful of his person and honor.” *Parl. Hist.* vol. X. p. 475. 483, & seq.

high

Anno 1642. high terms, demanded justice of the parliament against Sir John Hotham*. The parliament, in as high language, justified their governor, and resolved, That he had done nothing but in obedience to their commands; that the declaring him a traitor, being a member of the house of Commons, was a high breach of privilege; that the declaring him a traitor, without due process of law, was against the liberty of the subject and the law of the land: And voted, That a committee of both houses should be sent into the North, to take care of those parts, and of Hull †, by the assistance of the lord-lieutenant; to suppress all forces which should be raised either to force the town, or to stop any of the passages to or from it, or any other way to disturb the peace of the kingdom; and to return the thanks of the parliament to Sir John Hotham, and to all those who had been forward in their service to preserve the town.

The Parliament justify Sir John Hotham, and declare the King's proceedings to be contrary to law. *Parl. Hist.* vol. X. p. 457.

The parliament take measures to secure the northern parts of the kingdom.

Papers pass between the King and parliament on the subject of Hull.

Innumerable were the papers which passed between the King and the parliament on this new subject of dispute. The King argued, that he was in a worse condition than any of his subjects; that, whilst they all enjoyed their privileges, and

* The King, whilst he sent dispatches, post after post, to the parliament, to demand justice for what he termed treason in Sir John Hotham, stopped all passage between Hull and London; so that it was some time before the houses received a particular account of the transaction from Sir John Hotham, whose messengers were detained, and their dispatches taken from them. *Journals of the Commons*, vol. II. p. 555.

† The earl of Stamford, the lord Willoughby of Parham, Sir Edward Ayscough, Sir Christopher Wray, Sir Samuel Ofield, and Mr. Hatcher, were the committee sent down on this errand, to reside at Hull; to these afterwards were added Sir John Wray, Sir William Strickland, Mr. Allured, Mr. Hotham, Mr. Pelham, and Mr. Wharton. *Parl. Hist.* vol. X. p. 470. *Journals of the Commons*, vol. II. p. 596.

might

might not have their possessions disturbed, nor Anno 1642.
 their titles questioned, he only might be spoiled,
 thrown out of his towns, and have his goods taken
 from him; that Hull was his own property; that
 the magazine lodged in it was his own goods,
 bought with his own money; that he had the
 same title to them as any of his subjects had to
 their houses, lands, plate, or jewels; that if the
 parliament, whose votes, he said, were of no au-
 thority without his consent, could alter descents,
 avoid purchases, and cancel conveyances, which
 is what they had done in regard to his right in
 Hull, what was his case to-day might be his sub-
 jects' to-morrow. He asked, why the general ru-
 mor of the design of the Papists in the northern
 parts, should not be thought sufficient ground
 for him to put a person of such honor, fortune,
 and unblemished reputation, into a fort of his own,
 as was the earl of Newcastle; and yet the same
 rumor be warrant enough to commit the care of
 it to Sir John Hotham, without his consent? And
 how his refusal to have the magazine moved, on
 the petition of both houses, could give an advan-
 tage against him to deprive him of it? He farther
 argued, that the shutting the gates of Hull against
 him, and resisting his entrance, was treason, on
 the letter of the statute of the twenty-fifth of
 Edward III. "He had often heard, he said, of
 the great trust which, by the laws of God and
 man, was committed to the King for the defence
 and safety of the kingdom; but he had never
 yet understood what trust or power was com-
 mitted to either or both houses of parliament *."

Rushworth,
 vol. IV.
 p 569, & seq.

* The parliament argued on a very just distinction between
 the personal and the legal property of the King, who laid
 down that for a principle, they said, which would destroy
 the foundation of the liberty, property, and interest of every
 Vol. III R subject

Anno 1642.

The arguments urged by the parliament, in defence of their conduct, excited a resentment

subject in particular, and of all the subjects in general. His majesty's towns were no more his own than his kingdom was his own, and his kingdom was no more his own than his people were his own. If the King had a property in his towns, what would become of the subjects' property in their houses therein? If he had a property in his kingdom, what would become of the subjects' property in their lands, or of their interests in the towns and forts of the kingdom, or in the kingdom itself, if his majesty might dispose of them at pleasure, or of their liberties; if he had the same right in their persons which every subject had in their lands and goods? The erroneous maxim being infused into princes, that their kingdoms were there own, and that they might do with them what they would, as if their kingdoms were for them, and not they for their kingdoms, was the root of the misery of subjects, and the invading their just rights and properties. They were only trusted with their kingdoms, their towns, their people, with the public treasure of the commonwealth, and whatsoever was bought therewith, for the good and safety, and best advantage thereof: by the known law of the land, the very jewels of the crown were not the King's proper goods. As the King was entrusted with all these, for the use and ornament of the kingdom, that trust ought to be managed by the advice of the houses of parliament, whom the people had trusted to see it discharged according to the condition and true intent thereof. At this time there were many plots and designs of force against the parliament and the kingdom; there were invasions from abroad, intended to begin at Hull; and therefore, in regard to the great distance, and alienation of his majesty's affections from his parliament, they had commanded Sir John Hotham to secure the town and magazine of Hull, for the service of his majesty and his people; and had justified him for executing their orders. Admitting that the King had indeed a property in the town and magazine of Hull, who doubted but that a parliament might dispose of any thing wherein his majesty, or any subject, had a right, in such a manner as the kingdom might not be exposed to hazard? They would not allow a few private persons about the King, or even the King himself, in his own person, to be judge of the law; and that contrary to the highest court of judicature. For what his majesty mentioned concerning the earl of Newcastle, they conceived it was a question harder to be answered, Why, when it was thought

which flung off that restraint of modest language Anno 1642.
in which the King's circumstances had for some

thought necessary that a governor should be placed in that town, Sir John Hotham, a gentleman of known fortune and integrity, of whom both houses had expressed their confidence, should be rejected, and the earl of Newcastle, who was named in the business of bringing up the army, should be sent down in a private way to take upon him the government, under the guise of another name? For the accusation of treason against Sir John Hotham, on the statute of 25 Ed. III. that statute had declared and instituted two distinct species of treason; the first to compass or imagine the death of the King, which secured his person in his natural capacity as a man; the second respected the King's political capacity, the levying war against his laws and authority. The levying war against these, though not against the King's person, was levying war against the King; but the levying force against his personal commands, though accompanied with his presence, and not against his laws and authority, but in the maintenance thereof, was not levying war against the King, as the statute itself expressed; besides the authority of book cases, and precedents of divers traitors condemned upon that interpretation thereof: for if the clause of levying war had been meant only of the King's person, what need had there been thereof, after the other branch of treason in the same statute, compassing the King's death? Concerning the King's declaring Sir John Hotham a traitor, they asserted, That though the privilege of parliament did not extend to treason, felony, or breach of the peace, so as to exempt members of parliament from punishment, nor from all manner of process and trial, yet it did privilege them in the way and method of their trial and punishment; that the parliament should have the cause first brought before them, that they might judge of the fact, and of the grounds of the accusation, and how far their trial might concern the privilege of parliament; otherwise it would be not only in the power of the King, but of any man, under pretence of treason, felony, or breach of the peace, to take any member from his service in parliament; and so as many, one after another, as he pleased; which would be a breach of so essential a privilege of parliament, as that its very being depended on it. If they had made any precedents, they said, they had made them for posterity, upon the same or better grounds of reason and law, than those on which their predecessors had made any forms; and, as some precedents ought not to be rules for them to follow, so none could be limits to bound their proceedings,

Anno 1642. time obliged him to cloath his pretensions : “ We are trusted by God and the law, says he, and have taken an oath to discharge that trust for the good and safety of our people : may any thing be taken from a man because he is trusted with it ? Nay, may the person himself take away that right when he will and how he will * ? The law hath been otherwise ; and we believe will be so held,

ceedings, which must vary according to the different conditions of times. As to the message of the twentieth of January, they alleged that, as often as it had been repeated, their privileges had been infringed by prescribing a way and method of proceeding to them. But, in respect of the matter contained in it, they had excused points of ceremony, and should ere this time have presented the chief of their desires to the King, had they not been interrupted with continual denials of those things which were necessary for their present security and subsistence ; and had not those denials been followed with such perpetual invectives against them, that they had little encouragement to hope for any favorable answer to their desires. Evil counsel, they said, had not only separated the King from his parliament in distance of place, but in discharge of the joint trust with them, for the peace and safety of the kingdom : they entreated him to return to his parliament, which would put him into possession of his town of Hull, and other claims of sovereignty.

Clarendon, either himself deceived by prejudice and passion, or intending to deceive others, speaking of the immediate time of passing this declaration, says, “ That, in debates of the highest consequence, there was not usually present in the house of Commons the fifth of their just number ; ” whereas it appears, by a division on a clause of the above declaration, that there were 164 members present at the passing it. Thus does this solemn author establish falshood for fact ; and then, by a long string of arguments, deduced from false positions, draw those conclusions which suit best his purposes.

The statutes of 11 Rich. II. and 1 Hen. IV. enacted thirty-four years after the statute of 25 Ed. III. authorise the opinion asserted in the parliament’s declaration concerning the distinction between the political and the natural capacity of the King, in regard to treason. *Husbands’s Collections*, 4to ed. p. 263, & seq.

* This is a point of the doctrine of indefeasible right.

notwithstanding

notwithstanding their declaration. But this Anno 1642. trust ought to be managed by their advice. Impossible! that the same trust should be irrevocably committed to us and our heirs for ever, and the same trust, and a power above that trust, be committed to others. Did not the people who sent them look upon them as a body temporary, and dissolvable at our pleasure? and can it be believed, that they intended them for our guardians and comptrollers in the management of that trust which God and the law hath granted to us and our posterity for ever *? What the extent of their commission and trust is, nothing can better teach them than the writ whereby we called them; and without that call they could not have come together †, “to be our counsellors,” not commanders: For, how-

* The King here, and in the words “irrevocably committed to us,” plainly claims an indefeasible right for himself and heirs to the government of the country.

† It is true, it was the King’s office to call parliaments; but this is no argument that it was entirely in his election to do it or not. Parliaments have always been considered as one of the indisputable privileges of Englishmen; nor could the just administration of government be carried on, or its exigencies be supplied, without the concurrence of the three estates. Charles had put in practice many illegal powers, to maintain the authority of sovereignty in his own person, and was at length urged by strong necessity, not by inclination, to call a parliament: the spirit of the constitution, and the virtue of the people, getting the better of an iniquitous resolution he had taken, to be troubled with none of these popular assemblies, till he had established his absolute sovereignty in a manner which should oblige them to coincide with his purposes; that is, to yield up all pretensions to legislation, to become instruments of levying heavy taxes on the people, and to give counsel when their advice was asked. This was the the King’s idea of the constitutional privileges of parliaments; and this he always means, when he declares it his intention to support their just rights.

Anno 1642. ever they frequently confound them, the offices are several; and counsellors not in all things, but in some things. They may easily find among their precedents, that queen Elizabeth, upon whose good time all good men look with reverence, committed one Wentworth, a member of the house of Commons, sitting in the house, but for proposing that they might advise the queen in a matter she thought they had nothing to do to meddle in *.—Were not the parliament trusted by us, continues the King, when we first sent for them? And were they not trusted by us, when we passed them our promise that we would not dissolve them? Can it be presumed, that we trusted them with a power to destroy us, and to dissolve our government and authority †? Were they not trusted by those who sent them? and were they trusted to alter the government of church and state, and make themselves perpetual dictators over the King and people ‡?"

* The arbitrary authority exercised by this queen is the model to which Charles offered to reduce his power, after all those advantages the popular interest had gained, by a spirited opposition to his tyrannical administration.

† The act of the continuance of the parliament was not a matter of Charles's election: the parliament had voted tonnage and poundage for no longer a period than two months; and as this branch was more than half the revenue, the King could not support his government without it. It was therefore in the power of the parliament to continue themselves as long as they pleased, or as the people would submit to their authority; seeing the King, at this time, was not in a condition to enter into the extremities of a civil war, and thus to defend any new violation of law.

‡ On the subject of this dispute concerning Hull, Charles quoted a statute made in 11 Hen. VII. to provide in those times, when the possession of the crown was very precarious, for the security of those who should adhere to the acknowledged king. The parliament argued, That the meaning of this statute, which provided that none who should attend upon the King, and do him true service, should be attainted

The militia bill, which the King had offered the parliament, granted the power for one year to those who had been nominated by the two houses in their first ordinance, subjecting the execution of this trust to the authority of the whole legislature, whilst the King was in England; and to the two houses only, during his absence. Many of those who had been nominated in the first ordinance were in actual attendance on the court at York, and in declared opposition to the parliament. The parliament altered the bill, by extending the time to two years; changing some of the commissioners

attainted or forfeit any thing, if construed in a constitutional sense, secured all those who followed the judgment of parliament for their guide: the duty of allegiance was expressed in this statute to be, to serve the King, for the time being, in his wars for the defence of him and the land; and not following the king in any case whatsoever against the kingdom and its laws. It must be understood to be following him against the law of the land, if against the parliament, which was the representative body of the kingdom. This was a declining from the duty of allegiance, which the statute supposed might be done, though men should follow the King's person in the war, as appeared by the proviso at the end of it, "That none should take benefit thereby, who declined from their allegiance." The service of the King, for the time being, could not be understood of other than one who was acknowledged king by the parliament; and if the judgment of the parliament must be followed when the question was, Who is king? much more must it, when the question was, What is the best service of the king and kingdom? In regard to the dispute concerning the right to sovereignty claimed by the King, and at present exercised by the parliament, the authority of the latter was founded on the justest basis of government, viz. The willing submission of the people, who, at a time when they were in a condition to exert their natural strength, opposed the pretensions of the King, and submitted to those of the parliament. *Parl. Hist.* vol. X. p. 502. vol. XI. p. 112, & seq. *Husbands's Collections*, p. 263, & seq.

Anno 1642. names; confining their power to rebellion, insurrection, and foreign invasion; and subjecting their authority to the King's command, signified by both houses of parliament.

The King
refuses the
parliament's
bill to settle
the militia.
Husbands's
Collections.
p. 157,
& seq.

Charles, having been thwarted in the execution of his intended journey to Ireland, positively refused to pass the bill, alleging that the alterations had given to subjects an absolute power *. He insisted. that he was not bound

* He forbid the parliament to put their ordinance in execution. He was confident, he said, if they attempted it, he should find more obedience according to law, than they would do against law: he should esteem all those who should obey them as disturbers of the peace of the kingdom, and would in due season call them to a legal account.

On the receiving a denial to the militia bill, with another message, in which the King demanded justice against Sir John Hotham, and asserted a property in Hull, the Lords, in a conference with the Commons, proposed that the parliament might speedily consider of naming those ill counsellors who advised the King to such messages, that some course might be taken to bring them to punishment: they often importuned the Commons on the same subject.

A declaration was set forth by the parliament, in which they complained of the King's insincerity: "He had, they said, contrary to their advice, declined an ordinance which they had passed, and held necessary for the peace and safety of the kingdom; and had, by several messages, invited them to settle the militia by act of parliament, saying he never denied the thing, only denied the way; that he took exceptions to the preface, as not standing with his honor, and that himself was excluded in the execution, and for a time unlimited; whereupon the Lords and Commons, on his majesty's offering them a bill ready drawn to express their earnest zeal to correspond with his desires, no way declining their ordinance as illegal, did entertain the same; and therein omitted the preamble inserted before the ordinance, limited the time to less than two years, and confined the authority of the lieutenants to three particulars, viz, rebellion, insurrection, and foreign invasion. What must be the exceptions to this bill, says the declaration? Not any sure which were to the ordinance: That was excepted against because that the disposing and execution there-
of

by any promise he had made to pass the militia bill, which had been tendered to him by the

Anno 1642.
Journals of
Commons,
vol. II. p.
559, & seq.

of were referred to both houses of parliament, and his majesty excluded; and now, that by this bill the power and execution is ascertained, and reduced to particulars, his majesty will not trust the persons; the power is too great, too unlimited. His majesty, for the space of above fifteen years together, thought not a power far exceeding this to be too great to trust particular persons with, to whose will the lives and liberties of the people, by martial law, were made subject: for such was the power given to the lord-lieutenants and deputy-lieutenants, in every county of this kingdom; and that without the consent of his people, or authority of law: but now, in case of extreme necessity, upon advice of both houses of parliament, for no longer a space than two years, a lesser power is thought too great to trust particular persons with." The declaration concludes with a resolution of the Lords and Commons, to assert their ordinance, and a command to all persons in authority to put it in execution.

The parliament having printed and published their declaration, without the usual ceremony of sending it to the King, he prefaced his reply with an apology, that though he well understood how much it was below the high and royal dignity wherein God had placed him, to take notice, much more to trouble himself with answering those many scandalous seditious pamphlets and printed papers which were scattered throughout the kingdom; yet, he was contented to let himself fall to any office which might undeceive his people, and to take more pains with his pen than ever King did, when he found any thing which seemed to carry the authority and reputation of both houses of parliament. Hyde, afterwards earl of Clarendon, boasts the having composed and penned all the papers published in the King's name, during the contest between him and the parliament. The King, in this apology, claims to himself the sole reputation of these performances. On the subject of this dispute between the King and parliament, touching the militia, a little tract was published, in which the question is very clearly, fully, and logically answered on the fundamental grounds of just and free government; viz. That there was in laws an equitable and a literal sense. His majesty, let it be granted, was entrusted by law with the militia; but it was for the good and preservation of the people: it could not be supposed that the commonwealth would by law entrust the King with the militia

Anno 1642.

parliament. Since the votes upon lord-lieutenants, he said, and their commissions, begun by him or his father, had so discountenanced an authority, which for many years together was happily looked upon with reverence and obedience by the people, he had, and did think it necessary, that some wholesome law should be provided for the business of settling the militia; but he expected that that necessary power should be first invested in him, before he consented to transfer it to other men; neither could it ever be imagined, that he would consent that a greater power should be in the hands of subjects than was judged worthy to be trusted with himself. If it was not thought fit to make a new act, in that point, he did not doubt but he should be able to grant commissions, which would legally enable those he trusted to do all offices for the peace and quiet of the kingdom,

litia against themselves. That when there was a certain appearance, that the letter of the law should be improved against the equity of it, it gave liberty to the commanded to refuse obedience to the letter; the execution of the laws, according to their equity and reason, being that spirit which gave life to authority. This bold assertion of the rights of mankind gave such disgust to the King, that he stigmatized this pamphlet as one of the most factious performances which had been written against him; and sent a message to the house of Peers, recommending to them to use all possible care and diligence in finding out the author, and to give direction to his learned counsel to proceed against him and the publishers, as persons who endeavored to stir up sedition against his majesty: He doubted not but they were very sensible how much their own particular interest, as well as the public government of the kingdom, must be shaken, if such licence should be permitted to bold factious spirits, to withdraw his subjects' strict obedience from the laws established, by such treasonable distinctions: He expected a speedy account of their Lordships exemplary justice. The Lords not returning an answer to this pressing message, the King particularly complained of the neglect. *Parl. Hist.* vol. X. p. 481, & seq. *Husbands's Collections*, p. 171, & seq. *Rushworth*, vol. IV. p. 542, & seq.

if any disturbance should happen. Whilst there was so great liberty used in voting men to be enemies to the commonwealth, an English phrase he scarcely understood *, and in censuring men for their service and attendance on his person, and in his lawful commands, great heed must be taken into what hands he committed such a power, to suppress insurrections and rebellion: If there was learning found out to make Sir John Hotham's taking up arms against him, and keeping his town and fort from him, no treason and rebellion, he did not know whether a new discovery might not find it rebellion in him to defend himself from such arms, and to endeavor to recover what was taken from him. That declaration to which this was an answer, whether it had refuted his reasons or not, it had required all persons in authority to put the ordinance in present execution; and all others to obey it, according to the fundamental laws of the land †; but he, whom God had trusted to maintain and defend those fundamental laws, did declare, that there was no legal power in either or both houses of parliament, upon any pretence whatsoever, without his consent, to command any part of the militia of this kingdom. Here follows a charge to all the subjects, upon their allegiance, and as they would answer it on their peril, not to put the or-

* The King here shews his disapprobation of the term Commonwealth; it began to be used in the time of queen Elizabeth, on the earliest dawn of that taste for Liberty, which was at present at its utmost acme in this country.

† The marquiss of Hertford, the earls of Cumberland and Lincoln, with the lord Strange, having been nominated in the ordinance, excused themselves from accepting lieutenantcies: the lord Paget, who had accepted of this office, and appointed his deputies, threw up his commission. *Parl. Hist.* vol. X. p. 482, & seq.

Anno 1642.
Procla-
mation.

The parlia-
ment coun-
termand the
dictates of
the King's
procla-
mation.

dinance of parliament into execution. A proclamation soon after issued out, to the same purport, on the authority of a statute of the seventh of Edward I. in which it was declared, That to the King, by his royal feigniority, it belonged to defend wearing of armor, and all other force against the peace; and to punish those who do contrary. This was met with a countermand from the parliament*.

Charles, on his first arrival at York, found the inhabitants of the country very cautious in offering their services; and the court, for some time, carried a very mournful and solitary aspect. This did not continue long; the malignants flocked in great numbers to this place of safety; most of the nobility and gentry, of large property in the

* They asserted, that the declaration of the seventh of Edw. I. was not to the purpose for which it was quoted in the King's proclamation; it had nothing to do with the question, Whether, if the King should refuse to discharge that duty and trust, there was not a power in the two houses to provide for the safety of the parliament and peace of the kingdom? It was acknowledged that the King was the fountain of justice and protection; but these acts of justice and protection were not exercised in his own person, nor did they depend on his pleasure, but by his courts and his ministers, who must do their duty therein, though the King should forbid them. The parliament was not only a court of judicature, enabled by the laws to adjudge and determine the rights and liberties of the kingdom, against such patents and grants of his majesty as were prejudicial thereto, although strengthened by his personal command, and by his proclamation under the great seal; but it was likewise a council to provide for the necessity, to prevent the imminent danger, and preserve the public peace and safety of the kingdom, and to declare the King's pleasure in those things which were requisite thereto; and what they did therein had the stamp of royal authority, though his majesty, seduced by wicked counsel, did in his own person oppose or interrupt the same. The King by his sovereignty was not enabled to destroy his people, but to protect and defend them.

kingdom,

kingdom, from a variety of causes, espoused the fallen estate of monarchy: Some looking yet upon the King as the only source of honor and riches, expected to gain rank and preferments by attaching themselves to his fortune in this time of adversity: Others, and these were the greater number, men of abject minds, who, priding themselves in a fancied superiority of station, dreaded more than slavery that equal partition of privilege and Liberty to which the spirit of the times was visibly tending: Others, of timid natures, apprehended the precarious grounds on which the parliament had discarded the common forms of the constitution, and assumed powers unknown to later ages, supported only in these high acts by the inclinations of the people, whose volatile temper, moulded to their purposes to-day, might to morrow forsake their adventurous leaders, and bow their willing necks to the familiar yoke of regal power: Some, whose consciences, basely enslaved to the doctrines of priests, confounding political duties with a dark mistaken sense of religion, submitted with superstitious reverence to the claims of the crown and the mitre, and regarded it as an act of devotion to support prerogatives they had been taught to look upon as sacred and of divine original: Some there were who, though possessed of superiority of fortune and station to the popular leaders, yet being inferior in point of abilities and virtue, were unable to attain their reputation and influence; these, with envious affections, cursed that cause which, if crowned with success, must yet farther advance the power and fortunes of the men they hated: Others again, of loose morals, aspiring to nothing but the easy enjoyment of vicious life, abided by the rights of the crown, because they were secure
of

Anno 1642. of finding, in the riotous luxuries of a court, all those wanton amusements from which the sober manners and rigid virtue of the parliamentary party would have totally debarred them *.

Nine peers
impeached
by the
Commons:

The defection from the cause of Liberty was much greater in the upper than in the lower house. No less than nine peers were impeached by the Commons, for departing † without leave, and still continuing at York, notwithstanding a summons and command to return to the duties of

* One of the chief motives which actuated the sons of Brutus to attempt the restoration of the monarchy of Rome, was the indulgence of a vicious licentiousness which they had practised under the example and protection of a court, and of which they found themselves deprived when the laws recovered their full force.

† On the twenty-fifth of May, on a call of the house of Peers, it was found that thirty-two peers were absent, and with the King at York; in two or three days after, five more deserted the service of parliament. On the sixteenth of June, the house of Commons being called, sixty-five members were absent; on this deficiency a resolution passed, That the absent members should not sit in the house till they had made their excuse to a committee appointed for the purpose, and that excuse allowed of by the house. The same committee was authorised to levy the fines of one hundred pounds, which, by a former resolution, had been imposed on absent members. To oblige members to a methodical attendance on the public business, it was ordered, in the lower house, that those who were not at prayers at eight o'clock every morning should pay twelve pence to the poor. The King, in hopes of lessening the credit of the parliament, had ordered his friends in both houses to absent themselves from the counsels of these assemblies; and then endeavored to inculcate the opinion, that they were driven away by tumults. His historian Clarendon gives a variety of reasons for these men forsaking the duty of their office, which turned out to be a piece of very ill policy, since it occasioned all the King's enemies to carry their measures into execution without opposition. The Commons, on very justifiable grounds, expelled all those who refused to obey their summons of attendance, and issued out new writs to choose other members in their room. *Journals of the Commons*, vol. II. p. 538.

their

their office. For this high affront and contempt of both houses, and for their being justly suspected to promote a civil war by such demeanor, they were sentenced to lose their vote and privilege in the present parliament; and to stand committed to the Tower, during the pleasure of the house*. The great resort to the King's court had an obvious influence on the conduct of the Yorkshire gentry. The parliament, to prevent their total defection, sent down the lord Howard of Effrick, the lord Fairfax, Sir Hugh Cholmondeley, Sir Henry Cholmondeley, and Sir Philip Stapleton, all men of rank and property in the county of York, as a committee to reside about the court, to watch the motions of the King, to counteract his projects, to vindicate the authority of parliament, and to justify their intentions from false aspersions. The King, taking up a higher style than he had hitherto used to any who were immediately commissioned from the parliament, ordered them to return to London†. They

*Journals of
Commons,
vol. II. p.*

563.

*Parl. Hist.
vol. X.
p. 511.*

* Clarendon represents this as an high breach of privilege, for the lower house to interfere in a matter so entirely belonging to the upper house. The fact is not only unfairly stated by this historian, but the conclusions drawn from it are partial and prejudiced: the Lords themselves invited the Commons to take a part in a business which, they said, concerned the safety of the realm, and the very being of parliaments. The critical time of this disobedience rendered the offence a public one; and it was in this sense alone that the Commons, as the general inquisitors of the kingdom, impeached the offenders. "The withdrawing themselves from parliament, said they, is co-operating with the designs of that party from whose malignant opposition the nation is daily threatened with the horrors of a civil war. *Parl. Hist.* vol. XI. p. 188, 195, 200, 325.

† The hopes of the party were at this time very high, as may be seen by a letter written by colonel Wilmot, an agent in the conspiracy to bring up the army, to one Crofts, in Holland, intercepted by a ship stationed on the northern coasts;

Anno 1642. pleaded their command to continue about his person, and to endeavor to keep the peace of the country. On this he told them, that if they would positively disobey him, and stay, he advised them not to make any party, or hinder his service in the country; for otherwise, he would clap them up. They replied, with firmness, that they had undertaken, and were bound in duty and honor to observe, the instructions they had received; nor could they be commanded from executing them, without a breach of the privilege of parliament *.

coasts: it exemplifies the conduct, manners, and way of thinking of the court and its dependants. "Dear Will, by these last letters to the queen, you will find a great alteration of business here: the King, who very lately appeared almost abandoned by all his subjects, is now become the favorite of the kingdom; yet I believe his enemies are not so neglected as not to be able to raise an army to oppose him: and indeed here lies the test; for they will be followed just enough to forfeit their estates, which, I have often heard you say, were better bestowed on some of us. Yesterday there came a messenger from the house, who had an order, and did likewise raise the power of the country, to entreat Berkley, Ashburnham, and myself to come to speak to the house; but the King gave the messenger a short answer, and an officer or two gave him a short cudgel; so he is returned to London, a fine gentleman with his arm in a scarf." *Parl. Hist.* vol. XI. p. 260, & seq.

* Though these men had done nothing to incur the penalty of the law, yet Clarendon seems to lament it, as a particular instance of the King's present ticklish condition, that he could not either commit them to prison, or expel them the city of York, or inhibit them the freedom of the court. The King's threats occasioned a declaration from both houses, That any person whatsoever, who should arrest or imprison those lords and gentlemen, or any of them, or any other member of either house, who were or should be employed in the service of both houses of parliament, or should offer violence to them, for doing any thing in pursuance of their commands, should be held disturbers of the proceedings of parliament, and public enemies of the state;

Charles, thinking himself pretty secure of the affections of the Yorkshire gentry, had summoned them to attend him on the twelfth of May*; the purpose of this meeting being to levy forces, under the pretence of a guard for the King's person. The committee employed their interest to defeat the design. The King made a speech to the assembly, in which he complained, in bitter terms, of the disrespect of the parliament, the disobedience of the committee, and the forlorn condition to which he was reduced; and concluded with telling them he meant to raise a guard of horse for the safety of his own person, to continue no longer than the necessity of the juncture should require, and to be maintained at his own expence. Previous to this speech, some of the messages which had passed between the King and parliament were read, whilst several persons, who had been placed on purpose near the King, applauded his messages with tumult and riot, and hissed and reviled those of the parliament with indecent language, saying they ought to set their houses in order, for many of their members would shortly have their heads cut off†. This low insult had a different effect from that to which it was intended, disgusting even the moderate men of the royal party, who still retained a veneration for parliaments. The committee retired, with the rest of the gentry, to take the King's proposal into consideration. In manly, though in

state; and that all persons were bound by the protestation to bring them to punishment. *Parl. Hist.* vol. X. p. 514.

* The parliament passed a declaration against this summons. *Journals of the Commons*, vol. II. p. 556.

† The King had expressly ordered the committee to attend, with an intent to mortify them with this insult.

Anno 1642. modest terms, they expostulated with them on the rough usage they had received: they communicated to them the instructions of the parliament, and urged the necessity they were under to obey their commands: they justified the conduct of this assembly; and asserted, that their care of the King's person was such, that he could have no need of guards. Charles, fearing the influence of such discourses, sent a peremptory order to the committee to depart. Twelve men having been appointed to consider of an answer to the King's proposition, the business of the day was finished: the committee therefore withdrew, according to the King's command; but withall told the assembly, that they had a right to assist at such consultations, being freeholders of the county; and whenever there was occasion for their presence, in pursuance of their instructions, they would attend. This was received with applause from the whole company; and such was the effect their firm conduct and judicious arguments produced, that the King's proposal was not accepted with unanimous approbation. Six of the twelve who had been appointed for the fore-mentioned business, brought in an answer, the purport of which was, To desire the King to impart his fears to the parliament, to hearken to their advice, and to permit the committee, for whose fidelity and honor they would be responsible, to negotiate their employment, till they were recalled by the parliament. The answer which the other six brought in wholly acquiesced with the King's desire, without other condition than that the guard should be all gentlemen, and unquestionable in their religion. The subscribers to this were very few,
in

in proportion to the number who signed the other. Charles met with a contradiction of the same kind from the inferior class of freeholders, of whose inclinations being apprized, he had not only omitted them in his summons, but in their repair to the city of York had forbidden them to attend the place of meeting. This usage was resented with proper spirit: the freeholders, to the number of thousands, sent up a petition, in which they set forth, that they had not only been denied access to the King, and kept back by violence, but had been pressed to subscribe a paper, styled, An answer to his majesty's propositions; and, on their denial, had been threatened, that, when his majesty's army was on foot, they who refused should be first pillaged: they entreated the King to preserve the peace of the county, which could not, they said, afford that honor and safety to his majesty as the whole kingdom, which he might command, if united to his parliament; and hinted, that none of his mandates could be legally obeyed, if contrary to the sense of that assembly. This petition they followed with a spirited declaration, in which they protested against being concluded in any resolutions of that referee of knights and gentlemen who were elected without their assent.

Notwithstanding this opposition, the King pursued his resolution of raising levies: the gentry of the county were summoned to bring in their horse, a troop of cavalry was formed, and a regiment of trained-bands, under the command of Sir Robert Strickland, was appointed to wait on the King*, as his guard of foot.

The King
levies forces
under the
guise of a
guard.

* Orders issued from the two houses, directing the sheriffs and other officers of the several counties, within one

Anno 1642. With this military parade, attended by the duke of York, the prince elector, and all the nobility who had followed his fortunes, with his whole train of servants, he met a general assembly of freeholders, whose affections he found it necessary to reconcile. Curiosity brought a multitude, to the number of forty thousand, to the field of meeting. To these the King made a speech, excusing his former conduct on the pretence of the largeness of their body; and that time and conveniency was to be observed in their meeting: he then talked to them of the dangers he had ran at Whitehall; that he particularly trusted that part of his dominions to reside in; he assured them he would never use their obedience but in defence of the orthodox religion, settled in queen Elizabeth's time, and the laws and fundamental constitutions of the country. For his zeal to the Protestant faith, he referred the world to his daily exercise of it, his declarations concerning it, and to his execution of the laws against Papists*; and for the law, it being the common inheritance of his people, he should never enforce his prerogative beyond it†. For

hundred and fifty miles of York, to stop all arms and ammunition going to that city; and to suppress the raising and coming together of any soldiers, horse or foot, by any warrant, order, or commission from the King. The preamble to these orders begins thus: "Whereas it appears that the King, seduced by wicked counsel, intends to make war on his parliament, and, under color of a guard, doth command troops, both of horse and foot, to assemble at York, &c."

* The assertion of so notorious a falsehood was a piece of ill policy, unless the King was in hopes to persuade the country that the proceedings of this parliament against the Papists were court-measures.

† The King still asserts a prerogative in the crown superior to law.

his

his resolution to maintain peace, he referred them to his former sixteen years reign: if, in all that time, he had not caused the effusion of one drop of blood, it must needs be thought that, in his riper judgment in government, he should never open such issues as might drown himself and posterity *. The King concluded this harangue with an assurance that he never intended to use foreigners, or any disaffected in religion; for which reason he had caused the oath of allegiance to be given to his guard; he would ease the country of the number of trained-bands, whenever they should think it convenient time; and for their billet-money, he told them, that they would long since have been paid, but that no part of the subsidies which he had passed had come to his hands †. A petition, containing the sense of the greater part of the county, but which thwarted the intentions of the court, was presented to the King, on this occasion, by Sir Thomas Fairfax, a man of amiable manners, of distinguished character, and of large property and influence in the county ‡.

* What could the King mean by this boast? Because, when there was no opposition to his tyranny, he did not wantonly make war on his subjects, was this an argument that he might not be inclined to do it when his will was resisted? Or was not the assertion, That he never caused the effusion of one drop of blood, false? Could the operation of the dismembering be performed without the effusion of one drop of blood? Were these cruel sentences the judgment of the ordinary courts of justice? Were they not illegal mandates of that arbitrary court the Star-chamber, whose conduct was immediately directed by the will of the King?

† Part of the billet-money, and what was owed to the northern counties, for the maintenance of the Scots army, had been paid by the parliament. *Journals of the Commons*, vol. II. p. 515.

‡ The petition set forth, That the miseries the county had endured for three years last past, in having been the seat

Anno 1642.
Journals of
Commons,
vol. II. p.
585.

The parliament earnestly petitioned the King to disband his forces, telling him, that if he would

of residence for two great armies, was become much more heavy by his majesty's distance and difference in counsels from his parliament; by his drawing together, contrary to law, companies of the trained-bands, both horse and foot; by his entertaining commanders and cavaliers from other parts; by the daily resort to his court of recusants and persons disaffected in religion; by the great preparations of arms, and other warlike provision, begetting fears of wars, to the great terror of his peaceable subjects, and the decay of commerce and industrious courses for the wealth and prosperity of the county, especially of cloathing, its main subsistence: It solicited the King to redress these evils, by keeping a right understanding with, and hearkening to, the councils of parliament; and that he would not put the petitioners upon the rock of denying either the duty they owed to his majesty, or to the parliament and the whole kingdom, to which they were so deeply engaged by their protestation; and that whilst he expected the performance of their service, they might not go against their duty in a thing they stood resolved by no means, either of fear or favor, to be drawn to. They entreated the King, that the lords and great officers called away by his command might be speedily returned to the exercise of their legislative duty, that it might be evident to the world that his majesty did not intend to decline the law which enacted, That the parliament should not be adjourned or dissolved without their own consent: that since his majesty had graciously declared his confidence in the affections of the county, he would not think it fit to raise an extraordinary guard; and to continue the cavaliers and others of that quality about his person as men most useful, and as if kept on some design, they not having interest in or affection to the public good, their language and behavior speaking nothing but divisions and wars, and their advantage consisting in that which was most destructive to others: they desired, that none of these, or any who had not fortunes in the county, might be admitted to any consultation that day, or hereafter, concerning the public good: these were the only probable means to restore peace and plenty to the kingdom, to preserve the Protestant religion, and to redeem their brethren in Ireland. This petition, presented in the name of the gentry, ministers, freeholders, and others, inhabitants of the county of York, was rejected by the King with an imperious disdain, which provoked the hatred of a man who proved one of the
most

not desist from his designs, they should hold themselves obliged in duty towards God, the trust

Anno 1642.

most formidable of his enemies. This was Sir Thomas Fairfax, who, as he held forth on his knees the petition, Charles turned from him with that insolent scorn, that Sir Thomas was very near being trampled under his horse's feet. The eminence of this baronet's station and credit in the county, and the amiableness of his character, ought to have exempted him from such an insult, either on the principles of policy or humanity. Charles affected to be ignorant of both these circumstances: in his answer to a remonstrance of the Commons, on the subject of this petition, he speaks of Sir Thomas Fairfax as a man undistinguished and unknown. "It is true, he says, a petition was presented to him by one Sir Thomas Fairfax, which was avowed by no man but himself, and disclaimed by the general acclamations of the people." This is a very suspicious representation of the fact, seeing the party in the county of York against the measures of the court was very powerful, and men of fortune are not very forward to appear single in matters of this nature. This was not the only proof the King and his followers gave, that their present cloud of adversity had not abated the arrogance of their prejudices: a message was sent to the committee of parliament, expressly commanding them not to assist at the meeting. The earl of Lindsey attended with a troop of horse, snatched out of a gentleman's hand a copy of the fore-mentioned petition, which he was reading to a parcel of people at their desire, calling the company traitorous rogues and villains, and lifting up his cane to the gentleman in a threatening manner. Sir John Bouchier likewise was affronted in the same style by lord Saville, who demanded of him to deliver the draught of the petition, which he was reading to himself; and, on his refusal, laid his hand upon the belt of his sword, and almost pulling him off his horse, forced the paper from him, telling him, If he loved fighting he should have fighting enough: many of his attendants, holding up their canes, told him, It were good to cane him, it were a good deed to put him in the stocks. When these insolences were made known to the parliament, they voted, That the earl of Lindsey and the lord Saville were public enemies of the state, and incendiaries between the King and his people; and that they should be apprehended by the sheriff of Yorkshire, and conveyed from sheriff to sheriff to the house. To the expostulations of the parliament on this subject, the King answered, with a positive assertion, "That his guards

Anno 1642.

reposed in them by the people, and the fundamental laws and constitution of the realm, to employ their care and utmost power to secure the parliament, and preserve the peace and quiet of the kingdom. The King pretended to deride the apprehensions expressed in the petition, and the jealousy of hostile intentions, on his part: instead of acquiescing with the desire of parliament, he again demanded them, in a high style, to give him satisfaction on Sir John Hotham; to return to him the possession of Hull, his fort, and goods; to lay down all pretensions of declaring what was law; to call in all the pamphlets which seditiously endeavored to disable him from protecting his people, and weakened his authority, by false aspersions and new false doctrines. The parliament, finding the King thus determined, began to take into serious consideration the enforcing the ordinance of militia. They were in possession of the inclinations of the greatest part of the people, who testified their favor, not only by presenting petitions, containing the sense of their votes and resolutions, and full of zeal to their service, but many in several counties had offered themselves as volunteers to defend the cause of Liberty; whilst others exercised the discipline of arms, to render themselves an useful militia, when called out to service by the authority of parliament. With this eminent advantage, they had at length removed the Hull magazine to the Tower of London, and had secured to themselves the command of the navy, by appointing the earl of Warwick, a resolute man, and a staunch

Clar. Hist.
vol. I. p. 339.

Journals of
Commons,
vol. II. p.
659, & seq.

Parl. Hist.
XI. p. 122.

Journals of
Commons,
vol. II. p.
513, & seq.

had been so far from offering any affronts, injuries, or disturbances, to any of his good subjects, that their principal end was to prevent such, and so might be security, could be no grievance, to the people." *Petition of the Gentry, Ministers, &c. to the Parliament.* *Parl. Hist.* vol. XI. p. 137, & seq. *Clarend. Hist.* vol. I. p. 510.

friend

friend to their interest, admiral of the fleet under the earl of Northumberland, in the room of Sir John Pennington *, to whose character they objected the having delivered up the English fleet, for the use of the French, to besiege a Protestant town *; and the having conveyed lord Digby beyond sea, in his flight from the justice of parliament. The King signified to the earl of Northumberland, that he expected Sir John Pennington should be continued in his office. This contradiction produced a message, representing, that the commonwealth would sustain much mischief and danger by his majesty's interruption; but the King still insisting on the point, the two houses confirmed, by their own authority, the earl of Warwick in the command of the fleet †; the earl of Northumberland, in obedience to their desires, having granted him the commission ‡.

The parliament secure to themselves the command of the fleet.

For the raising a sum large enough to supply the expence of the threatened war, strict warrants were sent out for gathering all the money which by negligence remained uncollected, of granted bills of subsidy, and the poll-bill. Of the measures of the parliament to prepare against the threatened war.

* The motion for removing Sir John Pennington came first from the Lords.

* Rochelle.

† To this resolution dissented the marquis of Hertford, earls of Bath, Devon, Monmouth, Berkshire, Cleveland, Dover; lords Mowbray, Wentworth, Howard de Charlton, Saville, Seymour.

‡ Lord Clarendon, who always makes an apology for the apparent necessity the King was at present under to submit passively to these exertions of power, says, That if he had farther contested this point, he could not have reduced the fleet to his obedience; he might, perhaps, have prevented its going out to sea, which would have confirmed the frantic jealousy of bringing in foreign forces.

chants

Anno 1642. chants were borrowed the customs allotted by a bill of tonnage and poundage, which had passed both houses, but had not yet obtained the royal assent, under a promise that the parliament would account for it to his majesty, or restore it on his refusal to pass the bill. The city likewise shewed their affection by the loan of another hundred thousand pounds, towards the expences of the Irish war; and both houses entered into an engagement to bring in money, plate, and horses, for the public use.

After the following vote had passed both houses, That the King, seduced by wicked counsel, intended to make war against the parliament, contrary to the trust reposed in him by the people, and contrary to his oath*; directions were given for mustering and exercising the trained-bands of London. On the tenth of May eight thousand militia, disposed in six regiments, under proper officers, with serjeant-major-general Skippon at their head, were drawn out in Finsbury-Fields, to be reviewed by the two houses, a large tent having been prepared for them by the care of the city, by whom they were treated with a magnificent entertainment, at the expence of near one thousand pounds. This ceremony over, which fully demonstrated the hearty concurrence of the capital, orders were sent to the several counties, to put in immediate execution the ordinance of the militia; with directions to the lord-lieutenants, and their deputies, to secure the maga-

* In this vote it was declared, That whosoever should serve or assist him in such wars, were traitors, by the fundamental laws of the kingdom; and had been so adjudged by two acts of parliament, 11 Rich. II. and 1 Hen. IV.

zines of each county ; to encrease the stores to what proportion they thought convenient ; and to supply private persons, well affected, with arms and ammunition *. The King, to encrease the number of his train, and to interrupt the proceedings of the parliament, had sent a writ to the lord-keeper to adjourn Midsummer-term from Westminster to York ; and a warrant to Skippon, the commanding-officer of the London trained-bands, to attend him †. The parliament

* Clarendon artfully mentions these facts as preceding the King's levying forces : whereas it was not till after this incident that the parliament enforced their ordinance of militia.

† The King had before sent for the earls of Essex, Holland, Salisbury, and the lord Saville, to appear at York at St. George's feast, they being knights of the garter. The house of Lords interfered, and determined, that their members should attend the business of the house, the great affairs of the kingdom being then in agitation ; and a message to this purport was sent to the King. The lord Seymour having received the same mandate, was set out for York, on a former leave of absence ; but a messenger was sent after him, with orders to bring him back. The King sent to the earls of Essex and Holland a licence and dispensation from their attendance in parliament ; and on their resolution to obey the commands of the upper house, the lord Falkland, by the King's order, the keeper Littleton having refused the ungrateful task, demanded of them to resign the ensigns of their office. The two earls obeyed, but the Lords passed the following resolution on the occasion : That the attendance of the earls of Essex and Holland, according to the order of this house, is no disobedience to the King's command : That the removing the said earls from their places, because they obeyed the said order, is against the privileges of parliament : That the King's licence and dispensation for any lord's absence in parliament, when the house shall command him to attend, cannot discharge his attendance : That any lord's disobeying such command, notwithstanding any licence or dispensation, is punishable by this house. The Commons proposed some additions to these resolutions, which were agreed to by the Lords ; viz. That the King's
licence

Anno 1642. countermanded the order of the lord-keeper; and resolved, That the removing the term from Westminster, the parliament sitting, was illegal*:

licence and dispensation to discharge the earls from their attendance in parliament was a high breach of privilege; and the displacing them at this time, and on this occasion, was an injury to the parliament and the whole kingdom: That what person soever should accept their offices, until satisfaction was given the parliament, should be accounted to do an ignoble act, and to offer an affront to parliament; and thereby render himself unworthy of any place of honor or trust in the commonwealth: That these proceedings were the effects of evil counsel, to discourage good men from doing their duty; and tended to encrease the divisions between the King and his people, and to the disturbance of the peace of the kingdom. Clarendon says, That the resolution of turning the earls of Essex and Holland out of their office was greatly contested by the King's friends, as an impolitic measure; the inclinations of these noblemen not being so far engaged in the cause of Liberty as to desire to advance farther in opposition, unless urged thereto by any affront put on them by the court; but that the King was inexorable on the point, being obliged thereto by a promise he had made the queen, who had contracted so great an indignation against the earl of Holland, that she had declared she would never live in the court, if he kept his place. The violence of the queen's temper, and the implicit obedience the King paid to her humors, render this very probable. It is suspected that the queen, whose disposition was very amorous, had bestowed upon Holland, besides titles and preferment, favors of a more tender nature. Some time after, the earls of Northumberland and Pembroke exhibited letters from the king, commanding their attendance. These lords followed the example of Essex and Holland, and obeyed the prohibition of the house. The Lords had before expressed some resentment, on letters written by the King to several members of the upper house, commanding their attendance in parliament, when there were businesses of moment to his interest in agitation. *Parl. Hist.* vol. X. p. 317, 390, & seq. 432, 434. *Journals of the Commons*, vol. II. p. 529. *Peyton's Memoirs*, p. 54, & seq.

* This resolution passed first in the upper house. *Journals of the Commons*, vol. II. p. 579.

That

That for his majesty, at his pleasure, to command any free-born subject to attend his person, not bound thereto by special service, was illegal: That serjeant-major Skippon should continue to attend the service of both houses: That his summons was against the liberty of the subject, and the privilege of parliament, he being employed in their service. The purport of these votes was published in a declaration, with an addition, That whosoever should take arms, upon pretence of his majesty's command, and gather together with others in a warlike manner, to the terror of the King's people, should be esteemed disturbers of the public peace, and to do that which might introduce a precedent of very dangerous consequences for the future, and produce much mischievous effects for the present. Here follows an order * to all sheriffs, to raise the power of the county, to suppress all persons who should, on pretence of such command, draw together, and put themselves in a posture of war †.

Anno 1642.
Journals of
Commons,
vol. II. p.
597, & seq.

* Some time after an order passed both houses, generally directed to deputy-lieutenants, for the due execution of their office, with a declaration that the parliament would, from time to time, send down some of their members to give their personal attendance on the service. *Parl. Hist.* vol. XI. P. 137.

† The King called this order a levying war on him. It was after the publishing this declaration, that the parliament received the denial of the nine peers to obey their summons, in the following letter to the speaker, which gave great offence: "We whose names are underwritten have received a summon, dated the thirtieth of May, to appear the eighth of June, at the bar of the house of Peers: we are come here to York, at this time, to pay a willing obedience to his majesty's commands, signified by letter under his hand, which commands remain upon us still. Northampton, Will. Devonshire, Monmouth, R. Rich, Hen. Dover, Grey of Ruthyn, C. Howard. T. Coventry, Arthur

Anno 1642. The people, who were at this time by both parties acknowledged the umpires of the present dispute between the King and the parliament, were addressed by the latter in a voluminous declaration, in which, by conclusions drawn from the King's conduct and character, they endeavored to vindicate themselves from the charge of treating him with unnecessary severity, and to persuade the people that the secure possession of their privileges depended entirely on their firm support of the authority of parliament *. Hav-

thur Capel." Things were carried at this time so high at York, that not only delinquents, and others of all ranks, under the sanction of the King's commands, refused to obey the summons of parliament, but their messengers were beat, abused, and even imprisoned. *Parl. Hist.* vol. X. p. 542. vol. XI. p. 183.

* They justified the legality of the power they exercised over the militia : It was no new law, they said, but the most ancient one in the kingdom ; and that which was fundamental and essential to its constitution and subsistence. The wisdom of the state had entrusted the houses of parliament with a power to supply what should be wanting on the part of the prince, as was evident by the constant custom and practice thereof, in cases of nonage, natural disability, and captivity ; and the like reason must hold for the exercise of the same power, where the royal trust could not be, or was not discharged. To the accusation of not having shewn sufficient regard to the King's professions, they remembered him of the many instances in which he had violated his word solemnly given. From the effects of his insincerity, they said, even laws could not secure them ; witness the Petition of Right, which had been followed with such an inundation of illegal taxes, that they had just cause to think the payment of eight hundred thousand pounds was an easy burthen to the commonwealth in exchange. Though his majesty had passed many bills very advantageous to the subject, yet in none of them had the parliament bereaved him of any just, necessary, or profitable prerogative : The bill for the continuance of the parliament was so necessary, that without it they could not have raised such great sums as they had done for the service of his majesty and the commonwealth, without which the destruction of the kingdom must
needs

ing passed, they said, so many dangers from Anno 1642.

needs have followed. To the King's disavowal of evil counsel, they said, that by the direction of the law, and the affections of their own hearts, they must, as circumstances would allow them, clear his majesty from all imputation of ill government, and lay the fault on his ministers. His majesty's professing a faithful and zealous affection for the Protestant religion did not clear those in greatest authority about him, by whom its destruction had been labored for divers years; a design so manifest, they said, that neither Protestant or Papist, who had any reasonable view of the passages of latter times, but, either in fear or hope, did expect a sudden issue of it. That the rebellion in Ireland was framed and cherished by the malignant party in England, was not only affirmed by the rebels, but might be cleared by many other proofs, drawn from the similarity of their principles, politics, and profession. That their treacherous pretences had been countenanced might appear in this, that the proclamation declaring them traitors was with-held to the second of January, though the rebellion broke out the preceding October; and then no more than forty copies appointed to be printed; with a special command from his majesty not to exceed that number, and that none should be published till his pleasure was farther signified: a circumstance more observable by the late contrary proceedings against the Scots, who were in a very quick and sharp manner proclaimed rebels; and those proclamations forthwith dispersed with diligence throughout the kingdom, and ordered to be read in all churches, accompanied with public prayers and execrations. The penner of his majesty's declaration had not been very tender of his honor, when they made him call God to witness that he knew of no resolution of bringing up the army: such asseverations would seem strange to those who should read the depositions which had been taken on the subject. They asked, how the accusation of the six members could be said to be largely satisfied, so long as his majesty justified his attorney, declared he had done but his duty, and that he would have punished him had he acted otherwise; so long as those members had not the means of clearing their character, so long as he concealed the authors of that malicious accusation, so long as he refused to pass a bill for their discharge, unless they dissented the avowing their innocence? They did not look on this matter as a breach of privilege only, which might be, though the accusation were true or false, but a heinous crime in the attorney, that men should be charged with so great an offence

Anno 1642. abroad, so many conspiracies at home, nothing

as treason, in the face of the highest judicatory in the kingdom, whereby their lives, estates, blood, and honor, were endangered, without witness, without evidence in a legal course. On the subject of tumults, they said, the citizens of London had been notoriously provoked, beaten, and wounded, by Lunsford, Hyde, the archbishop of York's servants, and others, many of them being without weapons, and giving no cause of distrust: That the officers and soldiers who had committed these acts of violence were cherished in his majesty's house; and when reparation for the injuries they had offered was demanded, in a petition from the council of London, his majesty had answered, without hearing proof of the complaints, that if any citizen had been wounded or ill treated, he was confidently assured, it happened by their own evil and corrupt demeanor. Of any scandalous or seditious misdemeanor of theirs, which might give his majesty good cause to suppose his own person to be in apparent danger, there was no proof offered to either house; and for its being affirmed that his majesty was driven from them, they hoped it was not by his own fears, but by the fears of the lord Digby and his retinue of cavaliers; and those no fears of any tumultuary violence, but of just punishment for their manifold insolence and intended violence against the parliament. Of his majesty's person there was no cause of fear: for in the greatest heat of the peoples' indignation, after the accusation of the six members, and his violent coming to the house, there was no shew of any evil intention against his person; a fact which could not be better evinced than by his going the next day without a guard into the city, where he heard nothing but prayers and petitions, no threatnings nor irreverent speeches; and that he staid a week after at Whitehall, in a secure and peaceable condition. To that point of maintaining and upholding his authority, nothing had been done to the prejudice of it which could require any new provision: To the other of settling his revenue, the parliament had not abridged his just one, but had supplied the waste and confusion of his estates by providing for his household and the maintenance of the forts, more than they were obliged to do. They were yet willing to settle one on him which should enable him to live royally and safely; but they could not, in wisdom and fidelity to the commonwealth, do it, till he should choose such counsellors and officers as might order and dispose it to the public good, and not apply it to the ruin and destruction of his people. These matters of importance

seemed to be left in the way to hinder the full accomplishment of their desires and endeavors Anno 1642.

importance and intricacy would require so long a time of deliberation, that the kingdom might be ruined before they could be affected. It was for this reason they had been suitors to his majesty to order the militia, that, the kingdom being secured, they might with safety apply themselves to the debate of his message.

Let the world judge, whether they had not reason to insist that the strength of the kingdom should rather be ordered by the direction and advice of the great council of the land, equally entrusted by the King and kingdom, than that the safety of the King, parliament, and kingdom, should be left at the devotion of a few unknown counsellors. They could not conceive that the long time spent in debate was sufficient evidence that there was no such necessity or danger, but that a bill might easily have been proposed: when many causes did concur to the danger of a state, the interruption of any one might hinder the execution of the rest, yet the design be still kept on foot for better opportunities. Who knew whether the ill success of the rebels in Ireland had not hindered the insurrection of the Papists in England? whether the preservation of the six members had not prevented that plot of the breaking the neck of the parliament, of which they had been informed from France? It should be far from them to take such advantage of his majesty's supposed straits as to compel him to that which his honor or interest might render grievous to him; so they hoped he would not make his own understanding the rule of his government, but would suffer himself to be assisted with a wise and prudent council, which might deal faithfully between him and his people; and that he would consider that his resolutions did concern kingdoms, and therefore ought not to be moulded by his own opinion.

Clarendon tells us, That an instrument was drawn up at York, in which was set down an account of tumults and violences offered to particular persons; of parliamentary conclusions being carried in an irregular manner; of Mr. Holles coming to the bar of the upper house, and demanding the names of those lords who refused to consent to the militia, when the multitude menaced and threatened all those dissenters: that it was by such methods, which frightened away many members of both houses, that all those resolutions and declarations had passed which had occasioned the present distractions. To this instrument the King persuaded the peers in council to set their names; but the circumstances related

Anno 1642. for the public good, unless God did send so grievous a curse upon them, as to turn the

in it being either entirely false, or highly exaggerated, he was the next day earnestly importuned not to publish it; many lords telling him, That if he would publish it, they would disavow the contents. "This, says Clarendon, is a sufficient instance how unendued men were with that spirit and courage which was requisite."

The several depositions which at different times were taken on the subject of the army-plot, were with this declaration published, the parliament alleging it to be a necessary means for the just defence of their innocence against the scandal of having laid a false imputation on the King. In these examinations Goring deposed, That Sir John Suckling, the poet, told him there was a design to bring the army to London; that the earl of Newcastle was to be general, and he, Goring, lieutenant-general; that he was desired by Mr. Jermyn, to give him the meeting in the evening, at court; that he was carried into the queen's bed-chamber; that he was introduced by the queen to the King, who commanded him to join himself with Piercy, and others, who were engaged in a cabal to bring up the army; that the King alleged he had a desire to put his army into a good posture, and that lord Bristol had advised him to do it; that, on the meeting with the cabal, Piercy read certain propositions, which were assented to by the company; that there came into consideration the bringing up the army immediately to London, and the making sure of the Tower. Piercy, in his letter to the earl of Northumberland, confessed that the army was to stand by the King in his denial of some acts, which were expected to be pressed upon him by the parliament; but that he had refused entering into a way so high and sharp, as was proposed to him by the King: That himself and party disagreed with that set of men, who, by the King's orders, had been joined in their cabal, on account of their violence, and the height to which they would have carried things. Captain Chudleigh deposed, That he told the army, from the King, that if they would be faithful to him, he would pawn his jewels rather than they should be unpaid: That himself was told by major Willis, that the army was to be joined by the French about London, and that a thousand men were to be raised for their assistance, at the expence of the clergy: That the prince was to be carried to the army, to confirm their affections; and that the earl of Newcastle was to be general: That the deponent being at Portsmouth, colonel Goring shewed

strength of the kingdom against itself, and to effect that by their own folly and credulity,

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shewed him the strength of the place; that the queen meant to come down thither for her safety, and that she had given him money to fortify it. Lieutenant-colonel Ballard deposed, That Chudleigh proposed to him, and divers other officers, certain propositions, which he said came from the King, viz. That neither Sir Jacob Ashley nor Sir John Conyers were to be acquainted with the design: That the prince and the earl of Newcastle were to meet the army with one thousand horse, and all the French who were in London. Captain Leg deposed, That there was a petition proposed to be delivered to the parliament, which was burnt on the parliament's getting knowledge of the cabal: That he received another petition from the King, which was to be shewn to Sir Jacob Ashley, the King saying that that petition would not offend. Sir Jacob Ashley deposed, That he received a petition from captain Leg, to which he was desired to get the officers of the army to set their hands; That he told O'Neale the difficulty of compassing what was proposed; that they must first fight the Scots, and beat them, then spoil the country all the way to London; that when they came there, the parliament might make resistance, and the Scots rally and follow them: That O'Neale proposed to attempt to make the Scots neutral, but that the examinant replied, The Scots would lay by the heels any one who should make such a proposal to them. He farther deposed, That at the end of the petition was a direction to this effect: "William Leg, I command you, that you shew this to none but Jacob Ashley:" That above this direction were set the two letters "C. R." Sir John Conyers deposed, That O'Neale used several persuasions to him to adhere to the King, and to go those ways the King would have him, otherwise he would be left alone and ruin himself; for that all the troops under him were that way inclined; That he and Sir Jacob Ashley were both very much troubled at the paper, containing directions for a declaration, to be subscribed by the officers of the army, which was brought to Sir Jacob Ashley. Sir John Conyers farther deposed, That he absolutely refused to assent to O'Neale's proposals, and that Sir Jacob Ashley told him, that O'Neale was to go to Newcastle. Sir Fulk Huncks deposed, That O'Neale persuaded him to take part with the King, and put the troops in motion: That he offered him a paper, which he refused to sign, and told him he had good authority for what he did, and that he was to go to the Scotch

Anno 1642. which the power and subtilty of their enemies could not attain: They warned the people against the insinuations of the malignant party, stirring them up to act their own destructions, under plausible notions of preserving the King's prerogative, maintaining the discipline of the church, upholding and continuing the reverence and solemnity of God's service, and encouraging learning; on which grounds divers mutinous petitions had been framed in London and elsewhere*.

army. By these depositions it appears, that there were two different petitions which had been proposed to the army, but that neither of them had met with success; and that petition which was published at this time by the King, and is to be met with in Clarendon's History, could not be the model of the true petition, signed C. R. these depositions mentioning other particulars in the original than are to be found in this copy.

"Your majesty, says the parliament, in another declaration, will see just cause of joining with us in preserving and securing the peace of the kingdom, in suppressing this wicked and malignant party, who, by false colors, and pretensions of maintaining your majesty's prerogative against the parliament, wherein they fully agree with the rebels of Ireland, have been the causes of all our distempers and dangers." *Husbands's Collections*, 4to ed. p. 215, & seq. *Parl. Hist.* vol. X. p. 492.

* One George Benyon was impeached by the Commons for having procured a petition to be signed by several citizens of London against the ordinance of militia taking place in that city. The King's party not being very strong in this metropolis, Benyon's petition was encountered by another entirely agreeable to the designs of parliament, signed by many thousand hands. A prerogative scheme, of a more formidable nature, was about the same period hatched in Kent. Sir Edward Deering, Sir George Twisden, Sir George Strode, and one Spencer, had been very active in procuring a petition to be signed by the gentlemen of Kent, and others, at the county assize held at Maidstone, For the continuance of bishops, the liturgy, and common prayer: That an uniformity to these might be enforced by coercive power: That the people should not be bound by the orders of either house of parliament: That no order for militia should take place without the

“ They desired nothing more, they said, than to maintain the purity and power of religion, en-

the King's assent: That the parliament would apply themselves to his majesty's message of the twentieth of January: That they would establish the civil law: That they would speedily relieve their brethren in Ireland: That they would establish the privilege of parliament and the King's regal power. This petition was burnt by the hands of the common hangman. The earl of Bristol, who had shewn repeated symptoms of disaffection to the cause of Liberty, was on this occasion imprisoned; and judge Mallet, who had not only countenanced the petition, but refused to read papers given him by some members of the house of Commons in behalf of the ordinance of the militia, was taken off his bench by a troop of horse, and carried prisoner to Westminster; as were likewise other active agents who were all afterwards impeached by the Commons. Sir Edward Deering had been expelled the lower house, and confined to the Tower, for printing speeches against the conduct of parliament. His resentment occasioned him to be very busy in the matter of this petition; he had raised so great a flame in Kent, that, notwithstanding the sentence passed by the parliament, a great multitude of gentlemen assembled at Blackheath, and sent up the petition by some of the party. On the alarm of this rout, strong guards were placed on London-bridge, where the petitioners were disarmed, and a few of them suffered to pass with their petition to Westminster. The ring-leaders were committed to the Gatehouse, but the younger part of the company only received a kind admonition from the Commons, who at the same time told them, they hoped they would hereafter prove good members of the commonwealth. The parliament afterwards received from the yeomen of Kent, two petitions of a different nature from this, presented by the aristocratical faction. George Benyon was sentenced by the Lords to be disfranchised the city of London, to be incapable of bearing office, to be fined three thousand pounds, to be imprisoned in the castle of Colchester for two years, and after that time to find such sureties for his good behavior as the house should think fit. To satisfy those who were well affected to the power of the parliament, but were much attached to religious forms, the two houses passed an order, declaring, That they intended a due and necessary reformation of the government and liturgy of the church, and to take away nothing in one or the other but should be evil, and justly offensive, or at least unnecessary and burthen-

Anno 1642. courage piety and learning, and to honor the King in all his just prerogatives: Many bills and propositions for the King's profit and honor, and the people's safety and prosperity, they had prepared, but were hindered in the proceeding on them by the King's absence, which was altogether contrary to the use of his predecessors and the privilege of parliament. They did not doubt but they should overcome all at the last, if the people were not drawn to desert them, who had been willing to hazard their own undoing rather than that they should be betrayed, by neglecting the trust reposed in them; but if it were possible their enemies should prevail so far as to compass this, they would not fail still to persist in their duties, and to look beyond their own lives, estates and advantages, as men who thought nothing worth enjoying without the liberty, peace, and safety of the kingdom, nor any thing too good to be hazarded in discharge of their conscience."

If the parliament, impelled by the necessity of the times, and encouraged by the affections of the people, asserted an authority hitherto unassumed by their predecessors, so the King, in his reply to their late declaration, laid claim to a prerogative which, if allowed, must render parliaments as useless a check to the will of the monarch as a council of state; viz. That the votes and resolutions of both houses had no authority without his consent *. He affected a great regard

some; and for the better effecting such reformation, speedily to have consultation with godly and learned divines: likewise to establish learned and preaching ministers, with good sufficient maintenance, throughout the kingdom. *Parl. Hist.* vol. X. p. 390, & seq. 420, & seq. 458, & seq. 476, & seq. vol. XI. p. 406. *Journals of the Commons*, vol. II. p. 519. *Clar. Hist.*

* He argued and in this pretension was better supported by the principles of the constitution, That the Lords and Commons

for the parliament, and at the same time proclaimed their acts to be treasonable, under the following distinction, That the counsels of that assembly were determined by a few schismatical,

Commons misapplied the word Parliament when they confined it to their own votes and resolutions, he being an essential part of what was understood by that phrase. The King and his party, before these times of humiliation, denied that the parliament had any thing to do with the government of the country, or that the crown was any part of the parliament; asserting, that it had a sovereignty over the three estates, which consisted of the Lords spiritual, the Lords temporal, and the Commons. It may be worth observing, that, in the reign of Edward IV. the lord chancellor, in full parliament, and in presence of the King, in a studied oration, declared, That the three estates did comprehend the governance of the land, including the king as chief, the second to the Lords spiritual and temporal, and the third to the Commons. That the King was one of the estates which constituted the legislature was not denied by the two houses of parliament; their highest acts of authority were exerted under the guise of being the sole interpreters of enacted laws, and on the supposition of threatened imminent danger to the public: that if the King, in this case, should refuse his assistance, or should place himself at the head of a faction to conspire its ruin, that there lay a dormant trust deputed by the absolute power of the people to their representatives to save the commonwealth from damage. The necessity of such a trust is too obvious to dispute the rationality of its supposition; nor did the Commons want precedents whereon to ground their pretensions. When Richard II. to avoid complying with the preremptory demands of the other two estates of parliament, dis-united himself from their councils, in the same manner as Charles had done, they sent him a very peremptory message to the following purport: That the parliament had an ancient constitution, which had been not many ages before experimented, That if the King by evil counsel, or by obstinacy and contempt of his people, would alienate himself from them in parliament assembled, and refuse to govern by the laws and statutes of the realm according to their advice, but would stubbornly exercise his regal power by his own arbitrary and wild counsels; that then his parliament might declare the throne vacant, and fill the same with some other prince of the royal progeny.

Anno 1642. factious, and ambitious men, whom he alone pretended to oppose, and in whose overthrow he darkly hinted at the restoration of the old tyranny, under the specious phrase of "regaining to the people their religion, laws, and liberty." To shew that he had not yet given over the prosecution of those who first ventured to oppose his evil administration, and to retract his confession that he had violated the privilege of parliament, he declared, that he resolved upon the accusation of the six members on such grounds as would satisfy the world, that it was fit for his own safety and honor, and the peace of the kingdom, to proceed against them. In sending a serjeant to the house of Commons to demand them, he had used more ceremony than he then conceived in justice might be required of him*: he had known members of either house committed without so much formality as he had used, and upon crimes of a far inferior nature to those he had suggested. In the latter end of the King's declaration he assumed a high and threatening style: He called the prevailing party in the two houses of parliament, "impudent, malicious men:" by the help of God and the law, he would have

* Notwithstanding the civil message which on this injurious occasion he received from the Commons, the King asserted, that they sent him no answer, and animadverted on their order of resistance in the following manner: It was the first time he heard the protestation might be wrested to such a sense; or that in any case, though of the most undoubted and unquestionable privilege, it might be lawful for any person to resist and use violence against a public minister of justice, armed with lawful authority; though his majesty well knew, that even such a minister might be punished for executing such authority. Charles, on all occasions, shewed his ignorance of constitutional authority, which can no longer be lawful when exerted illegally.

justice

justice for the London tumults; of seditious pamphlets and preachers, divers whereof had been recommended, if not imposed, upon several parishes by some members of both houses, he would hereafter take a farther account. He had, and should always give as much estimation and regard to the advice and counsel of both houses of parliament, as ever prince had done; but he should never, and he hoped his people would never, account the contrivance of a few factious seditious persons (a malignant party, who would sacrifice the commonwealth to their own fury and ambition) the wisdom of parliament. They would have his majesty remember, that his resolutions did concern kingdoms, and therefore not to be moulded by his own understanding: He did well to remember it; but he would have them remember, that when their consultations endeavored to lessen the office and dignity of a King, they meddled with that which was not within their determination, and of which his majesty must give an account to God and to his other kingdoms, and must maintain with the sacrifice of his life*.

The manner in which the King addressed the parliament, varied according to that different tone of mind which circumstances favorable or unfavorable produced. He had at this time, by the changeable temper of the lord-keeper, got the possession of the great-seal; an advantage which by his own party was regarded as important, and was the more resented by the popular faction, because they looked upon Little-

Littleton
leaves the
parliament,
and carries
the great
seal to the
King.

* With this declaration the King published a paper, which he called, The true Petition of the Army, and is to be found in Clarendon,

Anno 1642. ton as tied to them by the strong bonds of interest and inclination. His introduction into active life had been graced with a seeming zeal for the cause of Liberty; and whilst his actions were directed by this line of rectitude, he made so considerable a figure, that the court thought him a proselyte worth gaining at any price. Littleton's virtue was not of a temper to resist the temptation of preferment: in the meridian of his character, he prostituted himself to the ends of power for the office of solicitor-general †; the King expecting to receive great assistance from his abilities in putting a plausible color on his assumed right of arbitrary taxation. The advantage he gained by Littleton's defection was not of that importance. New champions arose in defence of law: The right of imposing for ships was disputed by Mr. St. John and Mr. Holbourne in a manner which left no room to doubt of the illegality of the pretension; whilst the solicitor-general, in this bad cause, shewed himself so indifferent a logician, that his arguments served but to complete the triumph of his antagonists, and left to the King no other victory than that of prevailing on the weakness of humanity, and depriving his country of the talents of an ingenious man. On the death of the lord-keeper Coventry, Finch was preferred to the seals, and Littleton was made chief-justice of the Common-Pleas. His behavior whilst in these offices, was such as to procure him so much of the favor of archbishop Laud and the earl of Strafford, that they especially recom-

† Clarendon says, that this office was much to his honor, but not to his profit; the obligation of attendance depriving him of much benefit he used to acquire by his practice. *Clar. Hist.* vol. I. p. 443.

mended to him to the King, as a person who Anno 1642. would be useful at the council-table; where, as Clarendon observes, he kept up his good name in such a manner, that on the lord Finch's flying the kingdom, he was thought by the King to be the fittest person to whom he could entrust the seals; and, on the earnest desire of the earl of Strafford, was created a baron; that delinquent expecting, that, by his reputation of deep knowledge in law, he would have a powerful influence on the proceedings of the Peers. This was a fond hope. Littleton, as he had once deceived his country from views of profit, so he now deceived his patrons on motives of inclination: he not only neglected to make any interest in favor of Strafford, but obeyed the resolution of the Commons in absenting himself from his trial; and was so indefatigable in his endeavors to regain the confidence of the popular faction, that, looking upon him as their entire creature, they treated him with much kindness and respect, whilst he was slighted by his court friends as a perfidious renegade. On Littleton's voting for the legality of the parliament's ordinance for the militia, and accepting under their authority the lieutenancy of a county, the King, inflamed with resentment, sent to lord Falkland to demand of him the great seal. It not being yet determined to whose hands it was proper to commit it, in a consultation on this subject between Falkland, Colepeper, and Hyde, the subtle lawyer, who had before tampered with the ductile disposition of Littleton, represented, That a great clamor would ensue if the seal was one hour out of the hands of a constitutional officer: that were it to be tendered to any one who should reject it, it would be yet more prejudicial

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judicial to the King: besides, if Littleton cared not for offending his majesty, he would refuse to deliver it; and in this refusal he would be justified, rewarded, and cherished by the parliament. He then proposed that the King should be advised to suspend his resolution, and write kindly to the keeper to bring the seal to him, instead of sending for the seal itself. Hyde's proposal being assented to, he repaired to the lord-keeper, and by many artful insinuations gained so much on him as to obtain the confirmation of a former promise, that whenever the King should send for him he would follow his messenger to York. Matters being thus agreed, in some few days following came post from York one Elliot, a boisterous young man, who had a long time followed the court in hopes of gaining an employment in the bed-chamber*. He

* The following is the copy of a letter written by Elliot to lord Digby, intercepted and published by the parliament.

“ My Lord,

“ You have ever been so ready to oblige, that I cannot despair of your favor in a business where I am much concerned. The King was pleased to employ me to London to my lord-keeper for the seals, which though after two hours consideration he refused, yet being resolved not to be denied, my importunity at last prevailed; which service the King hath declared was so great, that he hath promised a reward equal to it. It may be the King expects I should move him for some place, which I shall not do, being resolved never to have any but by the queen, being already so infinitely obliged to her for her favor, that I confess I would owe my being only to her; nor shall I ever value that life I hold, but as a debt which I shall ever pay to her command. The favor which I desire from your lordship is, that you will engage the queen to write to the King, that he would make me a groom of his bed-chamber; which since I know is so absolutely in her power, I shall never think of another way; for which favor neither her majesty nor your lordship shall ever find a more real servant. For our affairs, they are now in so good a condition, that if we are
not

accoſted the keeper with much bluntneſs, and demanded the ſeal; at the ſame time putting into his hands a letter from the King, ſignifying that if his indiſpoſition * would not permit him to make as much haſte as the occaſion required, to deliver the ſeal to the bearer, and to follow at his leiſure. Littleton, ſurpriſed and angry at the brutal manner of Elliot, and thinking him, by reaſon of his youth, an improper perſon to be truſted with a ſecret of ſuch importance, answered briſkly, That he would not deliver it into other hands than the King's; but afterwards re-

not undone by hearkening to an accommodation, there is nothing elſe can hurt us, which I fear the King is too much inclined to; but I hope what he ſhall receive from the queen will make him ſo reſolved, that nothing but a ſatisfaction equal to the injuries he hath received, will make him quit the advantage he now hath; which I do not doubt will be the means of bringing your lordſhip quickly hither."

At the ſame time was publiſhed another intercepted letter from the lord Digby to the queen. He congratulates her in being withdrawn from a country ſo unworthy of her; on his arrival in Holland, wherein he deſires to be admitted to her preſence, notwithstanding a report that the parliament had entreated her not to have any further intercourſe with him: The ground of their malevolence, he tells her, is ſome letters they had preſumed to open, which he had written to her majeſty; notwithstanding, he is certain he had not communicated any thing which could be wreſted to an ill ſenſe by his greateſt enemies; he had not mentioned buſineſs to her ſince he left England. To the King he confeſſed he had written with that hardineſs which he thought his affairs and complexion required, but that was ſent by ſo ſafe a hand, that he could not apprehend the miſcarriage. Thus, by theſe incendiaries, was the imagination of this weak woman, the chief inſtrument to work effectually on the follies, prejudices, and vices of her huſband, ſed with hopes of power and conqueſt, to the ſtirring up all thoſe bloody miſchiefs which in the end proved ſo fatal to the deluded Charles. *Huſbands's Collections*, 8vo. ed. p. 486; & ſeq.

* He was now advanced in life, and ſubject to the gravel.

Anno 1642. collecting that he had now gone too far to recede, he obeyed the directions of the letter, and followed the seal with so much expedition, that he arrived at York at the end of three days*; but met not with the reception he had been taught to expect. Charles was of an unforgiving disposition; and besides, Elliot had boasted that to his courage alone the King owed the possession of the seal, he having ravished it from the keeper in spite of his teeth. Thus, by a despicable weakness of temper, did this doating old man lose the esteem of all parties; and, quitting those real advantages he enjoyed by the parliament, sought, by a second breach of trust†, the smiles of a master he had offended, and whose haughty disposition prevented his treating with complacency his most avowed creatures‡.

* He travelled on horseback.

† The popular faction, depending on their interest with Littleton, neglected to execute a necessary caution which had been proposed in a consultation; viz. Whether, in regard the keeper might be sent for by the King, or that the seal might be taken from him, it would not be right to appoint it to be kept in a secure place, to be delivered to the keeper for the execution of his office? *Clar. Hist.* vol. I. P. 445.

‡ Clarendon, in his own Life, tells us, That Littleton was very ill treated at York, by those lords, the creatures of the court, whom he had offended by his former conduct; that the King countenanced this behavior, suffering Elliot's extravagant discourses to gain credit, without reprehension or vindication; that he never trusted the keeper with the great seal, nor permitted him to use it, but in his presence; that this conduct occasioned a great melancholy in the keeper; that, on his making demurs, objections, and delays, against putting the seal to one of the King's proclamations, the King would have turned him out of his office; that Mr. Hyde, afterwards earl of Clarendon, who owns his objections were often reasonable, interposed in his favor, having drawn him into the snare; telling the King, that by severity to the keeper he would discourage others who

Littleton having began his journey on the Saturday, and the parliament not meeting till Monday *, it was more than two days before his defection and flight were known †.

who desired to serve him faithfully ; that the King protested, that if it was not for Mr. Hyde's sake, he would turn the keeper out of his place ; that he enlarged upon his fear of disobliging the parliament ; and recommended to Mr. Hyde to give him good counsel. This Mr. Hyde tells us he did so effectually, by preparing him by discourse, when any thing was to be done which administered any argument for doubt, that is, when any thing was to be done which he would think contrary to law, that there was never after any unkindness of the King towards him. The same author, however, in his character of those privy-counsellors who attended the King at Oxford, tells us, That Littleton's parts, which in the profession of the law were very good, were not applicable to the business now in hand. This is a favorable testimony of this unhappy man's conduct, after his leaving the parliament, and residing at Oxford. *Clarendon's Life*, vol. I. p. 120. *Clar. Hist.* vol. II. p. 151.

* Littleton, after his apostacy, was mean enough to write, by the King's direction, a letter to the lord Willoughby of Parham, disavowing the having given his vote for the ordinance of the militia. The Lords ordered the journals of their house to be searched, to ascertain the truth of the matter ; and, to the eternal infamy of the keeper, it was found that he had not only given his vote for the ordinance, but had accepted of a lieutenantcy, named his deputies, and agreed to the several forms of deputation. These particulars, signed by the clerk, were sent to lord Willoughby, who had, in a letter to the King, quoted the authority of Littleton ; and afterwards were printed and published. Not only Littleton the chancellor, but Banks the chief-justice of the Common-Pleas, a lawyer noted for his base compliance with the measures of the court, and for the extraordinary arguments he urged in defence of the King's right of imposing the tax of ship-money, voted for the parliamentary ordinance of militia. The earl of Essex was put into the lieutenantcy of the county of Salop, in Littleton's place. *Parl. Hist.* vol. XI. p. 199.

† The house of Peers, by his management, had been adjourned till a later hour than usual.

The

Anno 1642.

The parliament
sent
nineteen
propositions
to the King.

The accident of losing the great seal occasioned much trouble and distraction in the upper house. The earl of Northumberland moved, that a committee might be appointed to consider how there might be an accommodation between the King and his people. This dejection was but momentary; the house of Commons treating the incident as a trifling one, the peers re-assumed courage. A warrant was issued for apprehending the keeper; and, according to the King's repeated invitation, that the parliament would digest into one body all their demands, the following nineteen propositions, containing those particulars which were thought necessary restraints on the royal power, were now offered to him: That the members of the privy-council, and the officers of state, should be approved by the two houses, or by the council, in the interval of parliament; and that privy-counsellors should take an oath for the due execution of their office, the form to be agreed on by parliament: That public acts should be done by the consent of the major part of the council, attested under their hands: That the number of the council should be limited to fifteen, or five-and-twenty at most: That those who were entrusted with the government of the King's children should be approved by both houses, or, in the interval of parliament, by the council: That no marriage should be concluded or treated for the King's children, but by consent of parliament *: That the laws against Je-

* They had experienced very ill consequences from the capricious alliances the crown had made with Popish princes; and they had no hope of getting rid of these but by restraining the royal choice.

suits,

suits, priests, and Popish recusants, should be strictly put in execution, without any toleration or dispensation; and that a more effectual course should be enacted, to disable them from making disturbance in the state: That the votes of Popish Lords should be taken away; and that a law should be enacted for educating the children of Papists in the Protestant religion: That the King would consent to such a reformation of the worship and government of the church, as both houses of parliament, with the assistance of divines, should advise: That he would rest satisfied with the ordinance of the militia, until the same should be farther settled by bill: That members of parliament, who had been deprived of their offices this session, should be restored, on the petition of both houses: That privy-counsellors and judges should take an oath for maintaining the Petition of Right, and other statutes made this parliament: That the officers of state and judges should hold their places *quamdiu se bene gesserint*: That the justice of the parliament should pass upon all delinquents: That the general pardon offered by the King should be granted, with such exceptions as should be offered by the two houses: That the forts and castles of the kingdom should be put under the custody of persons approved by parliament, or, in the interval of parliament, by the council: That the King's levies should be disbanded: That he would enter into a more strict alliance with the states of the United Provinces, and other Protestant princes, against the pope and his adherents, and for the recovery of the Palatinate: That the six members should be cleared by act of parliament*: That no

* The parliament had before sent up a bill for the clearing the six members, which was refused by the King. The

Anno 1642

peers * made hereafter should sit in parliament without consent of both houses. These their

King said, that one reason for his refusal was a clause in the bill, declaring, that no member of either house, upon accusation of treason, could have his person seized, without the consent of that house of which he was a member; "contrary, says he, to the known laws of the land, which extend not privilege of parliament to treason." The parliament allowed this maxim, but confined its signification to manifest treason: otherwise, that the proofs should be explained to the parliament, to prevent that prejudice which must accrue to the public from the King having it in his power, at a critical juncture, to imprison the leading members of both houses. The King continued obstinately to assert, that his right in this point was undeniable.

* Patent peers, created by the mere prerogative of the crown; a prerogative dangerous to the very existence of the constitution and the liberty of the subject; a prerogative which has ever been notoriously abused, and which looks with a baleful aspect on the whole body of the Commons, is, according to a small octavo treatise, entitled, *An Enquiry into the Manner of creating Peers*, an encroachment on the privileges of the people of no earlier a date than the reign of Henry VII; the author of the forementioned treatise affirming that peers created by letters-patent, previous to this period, was done by the assent of parliament. I have been told, there are records extant which contradict this assertion; but it is likely the exceptions are few; and that the assent of parliament was regarded as necessary to render such creations constitutional.

The propositions mentioned in the text, and others, in which several particulars were to be removed from the persons of the King and queen; the queen to take an oath, in the presence of both houses, that she would not intermeddle concerning the disposal of places, or in any of the affairs of state and government; none of the King's children to go beyond the seas, without the consent of parliament; no Popish service to be said in the courts of the King, queen, or prince; nor any of their servants permitted to be present at mass, under the penalty of loss of office; that those members of the lower house accused of offences against that house, who had been made peers this present parliament, should, by act of parliament, be put out of the upper house; and that all the members of the house of Commons who had this parliament been made peers, should be excluded.

desires granted, the parliament promised to apply themselves to regulate the King's present revenue, to encrease it beyond the proportion of any former grants to the crown, and to put the town of Hull into such hands as the King should appoint.

It must be allowed, that these propositions new-modelled the constitution, infusing in it so much of the spirit of a republic, that they deprived the monarch of every prerogative noxious to good government; nor could they be said to secure to the people a full and permanent enjoyment of Liberty, without additions relative to the strengthening and confirming the democratical power in a manner which should prevent oligarchy or aristocracy from establishing itself on the ruins of monarchy: But as the management of public affairs was now in the hands of wise and virtuous men, it is to be supposed, that these important points would have been attended to, if Charles, on the forementioned grounds, had entered into treaty. He was not of a disposition to consent, in his present circumstances, to such an abridgement of regal privilege: “Should I grant these

The King
rejects the
parliament's
propositions.

excluded from giving their votes, unless both houses should give their assent: that the King would make a public declaration, that, according to law, he would not receive any private information or suggestion against any members of parliament, for things done in parliament; and that he would discover the names of those who had advised him in the business of prosecuting the six members; had been long under the consideration of both houses. The crude materials, afterwards digested into those nineteen propositions which were presented to the King, were furnished by the joint committee of Lords and Commons appointed to sit at Grocers-Hall during the adjournment of parliament; which immediately followed the King's coming to the lower house to demand the six members. *Parl. Hist.* vol. X. p. 403, & seq. *Clar. Hist.* vol. I. p. 309.

Anno 1642. demands, said he, in his reply, I may be waited on bare-headed, I may have my hand kissed, the title of majesty continued to me, and the King's authority, signified by both houses of parliament, be still the style of your commands; I may have swords and maces carried before me, and please myself with the sight of a crown and sceptre; but even these twigs would not long flourish when the stock on which they grew was dead; but as to true and real power, I should remain but the outside, but the picture, but the sign of a King." He told the parliament, that if they had unseasonably vented their propositions, their hopes would soon have been blasted: to bring their designs to this ripeness, they had removed a troublesome rub in their way, the law*; they had erected an upstart authority without him; they had prepared and directed to the people unprecedented invectives against his government, to weaken his authority and due esteem among them†; they had injuriously and presumptuously, though he conceived impudence itself was ashamed of it, attempted to cast on him aspersions of favoring a rebellion in his own bowels; they had broached new doctrines, that he was obliged to pass all laws which should be offered to him by both houses‡; they had interpreted his necessary

Husbands's
Collections,
4to ed.
p. 311, &
seq.

* Could they have done this if the law, by an abuse of power, had not been found a grievance?

† If those invectives had contained falsehoods, they would only have been prejudicial to their authors; if truths, there was no esteem due.

‡ In one of the voluminous declarations on the business of Hull, the parliament asserted, That the kings of this realm stood engaged by the oath which they did, or ought to take at their coronation, as well to confirm such laws as the people should choose, and to remedy by law such inconveniences

guard, legally assembled for his defence against a traitor in open rebellion against him, to be with intent to levy war against his parliament (a thought his soul abhorred) thereby to render him odious to his people *. They had so awed

conveniencies as the people might suffer, as to keep and protect the laws already in being: this, they said, appeared by the form of the oath upon record, and in books of good authority, and by the following clause in the statute of the twenty-fifth of Edw. III. entitled, The Statute of Provisors of Benefices. "Whereupon the said Commons have prayed our lord the King, that since the right of the crown of England, and the law of the said realm, is such, that upon the mischiefs and damages which happened to his realm, he ought, with the accord of his people in parliament, thereof to make remedy and law, &c." The King, notwithstanding the authority of this clause, denied the right of the claim, by a verbal criticism on the tense of the Latin verb *eligerit*, signifying *both chosen*, as well as *shall choose*; and peremptorily insisted, that he had an absolute option, to pass, or not to pass, any bill tendered by parliament, without giving any reason for his refusal. Much may be said in defence of either of these contradictory claims. Certain it is, if the King, conceiving any such bill prejudicial to himself, or inconvenient to the public, hath a right to make use of his negative voice, so have the parliament, who are more immediately trusted by the people, a right to exert the whole power vested in them by the constitution to force the royal assent to any bill they think conducive to public utility. The resolution, That the King was bound by his oath to pass such bills as should be presented to him by both houses of parliament, for the good of the kingdom, passed by a majority of one hundred and three against sixty-one. *Parl. Hist.* vol. XI. p. 149.

* Notwithstanding this strong asseveration, besides the undeniable testimony of the King's warlike preparations, his historian Clarendon, with a variety of contradictory assertions, owns the intent of levying war to resist the parliament, from the period of the King's absenting himself from that assembly. After shewing that the intent of the King's journey northward was to secure Portsmouth and Hull, towns well situated for the receiving foreign supplies, he says, That when the King found, on his arrival at

Anno 1642. his good subjects with pursuivants, heavy censures, and illegal imprisonments, that few of

York, a great alacrity expressed for his service, he was determined to treat the two houses in another manner than he had done; and to have nothing extorted from him, but what he was well inclined to consent to: That he omitted no opportunity to provide against the storm he saw was coming, nor neglected the provision he thought most necessary for his defence: That the queen was as intent to do her part, and to provide that so good company, as she heard was daily gathered together about the King, should not be dissolved for want of weapons to defend one another: That, with as much secrecy as could be used in those cases, and where she had so many spies upon her, she caused, by the sale or pawning of her own and some of the crown-jewels, a good quantity of powder and arms to be in readiness in Holland, against the time it should be found necessary to transport them to his majesty. After this plain confession of what had been well proved to the parliament, the author, in a period of thirty-eight lines, makes the following extraordinary animadversions: "It will be wondered at hereafter, that, in a judging and discerning state, where men either had, or seemed to have, the faculty of their reason and understanding at the height, those men who had the skill and cunning, out of froward and peevish humors and indispositions, to compound fears and jealousies and to animate and inflame those fears and jealousies into the most prodigious and boldest rebellion any age or country ever brought forth: I say, it may seem strange that these men could entertain the hope and confidence to obtrude such a declaration and vote upon the people, that the King did intend to make war against the parliament, when they were so far from apprehending that he would be able to get an army to disturb them, that they were most assured he would not be able to get bread to maintain himself three months, without submitting all his counsels to their conduct and controul; and that the offering to impose it did not awaken the people to an indignation which might have confounded them; for besides their presumption, in endeavoring to search what the scripture itself told them was unsearchable, the heart of the King, the very law of the land, whose defence they pretended, makes no conclusion of the intention of the meanest subject, in a matter of the highest and tenderest consequence, even treason itself against the life of the King, without some overt, unlawful act,

them durst present their tenderness of his sufferings, though in an humble petition, to both houses; and if any did, it was stifled in the birth, and called sedition *. “The person of the King, says Charles, hath been sometimes unjustly deposed; yet the regal power was never, before this time, stricken at. Such who have been misled by ill counsels to have any hand in the execution of the militia, will see to what end their service is designed; and therefore, if they shall presume hereafter to meddle in it,

Parl. Hist.
vol. XI,
p. 162.

act, from whence, and other circumstances, the ill intention may be seasonably made appear.” In another place the same historian says, That many did yet believe the King too long deferred his recourse to arms; and that, if he had raised forces upon his first repulse at Hull, his service would have been very much advanced; and that the parliament would not have been able to have drawn an army together: but that the King had not, at that time, one barrel of powder, nor one musquet, nor any other provision necessary for an army, and, which was worse, was not sure of any one port to which they could be securely assigned; nor had he money for the support of his own table for the term of one month: That he expected with impatience the arrival of all those necessaries, by the care and activity of the queen, who was then in Holland, and who, by the sale of her own as well as the crown-jewels, and by the friendship of Henry prince of Orange, did all she could to provide all which was necessary: That the King had newly directed her to send all to Newcastle; and, in the mean time, both the King himself, and those who knew the state of his affairs, seemed to be without any thoughts of making war, and to hope that the parliament would, at last, incline to some accommodation: That, after the arrival of ammunition, all levies were hastened with as much dispatch as possible, the lords and council about the King, with several other persons of quality, making a voluntary subscription for the payment of so many horse in three months. *Clar. Hist.* vol. I, p. 361, 415, & seq. 520, 522.

* Could the authority of parliament have done this, if the King's conduct had not deprived him of the affections of the major part of his people?

Anno 1642. they must expect that we will immediately proceed against them as enemies to our sovereign power." In this answer it is to be observed, that the King, instead of entering into the question, Whether, as he had abused his power, and had been guilty of many breaches of faith, his word ought to be taken, that he would for the future govern according to the law of the land? entered into a description of the nature of the English constitution, which he acknowledged to partake of monarchy, aristocracy, and democracy; that the regal power was relative and limited; that jurisdiction belonged to the Peers, and impeachment of evil ministers to the Commons: he asserted, that the executive part of government was entirely trusted to the King; that he should look on the advices of his parliament as advices which he was at full liberty to receive or reject, not as commands; upon them, as counsellors, not his tutors; and upon himself as their King, not as their pupil. Though this explication lowers the value of the former confession, yet, upon the whole, the language of this reply is very different from what, by the King's direction, had been prated in the pulpit, and from what he had himself formerly used, when in the zenith of his power*; nor did his penman escape the censure of the party, who

* "It must let you know (said he to the Commons, when they were preparing a charge against Buckingham) that I will not allow any of my servants to be questioned among you, much less such as are of eminent state, and near unto me." He not only screened some of his ministers from condemnation, by dissolving parliaments, but pardoned and promoted those who had been condemned by parliament, telling those assemblies, that they were to be, or not to be, at his pleasure; that he would punish their members for what they had said and done against administration.

thought

thought that the mysteries of state were imprudently unveiled; and that these performances would be a lasting condemnation of the King's past conduct, and an obstruction to his future government*. The King, not being yet able to put himself in a posture of offensive war, by reason of the vigilance the parliament had used in securing the magazines of arms and ammunition throughout the kingdom, and that the queen had not yet found an opportunity to transmit either money or arms from Holland†, en-

Anno 1642.

Hobbes' History of the Civil War. Warwick's Memoirs.

* The earl of Clarendon, at this time Mr. Hyde, was the person generally employed in drawing the King's answers; but he tells us, That this, the most rational and the most masterly one, was done by the lord Falkland and Sir John Colepeper; that though it was full to all particulars, and written with very much wit and sharpness, yet there were some particulars which himself, Mr. Hyde, liked not, as prejudicial to the King; that there was a mistake, in point of right, in that part prepared by Sir John Colepeper, which declared the King, the house of Peers, and house of Commons, made the three estates; that, for this reason, Mr. Hyde did not advance the printing it, but without communicating his reasons to the King, for the sake of lord Falkland and Sir John Colepeper, the King being extremely jealous that they had not a proper affection to the church. Sir John Colepeper, Clarendon says, was misled by the infusion of lawyers, and by declarations which many of the prelatical clergy frequently and ignorantly made, that the bishops did not sit in parliament as the representatives of the clergy; and therefore could not be the third estate. The History of Clarendon's Life, written by himself, shews that his prejudices and fond affections were very similar to those of the King; and that they effectually co-operated with his, not only to the preventing reforming abuses; but to the entire overthrow of the civil constitution. *Clar. Life*, vol. I. p. 130.

† Clarendon says, that the queen found it difficult to transmit the money she had procured, by reason of an order of parliament against whoever should be an actor in the selling or pawning the crown-jewels, or whoever should advance money on them, or bring any specie into the kingdom so raised. *Clar. Hist.* vol. I. p. 497.

deavored

Anno 1642.

The King
disavows the
intention of
levying war
on the par-
liament.

deavored to quiet the minds of the people, which had been much agitated, on the opinion that he intended to levy war against the parliament. In a council of those lords who were assembled at York, he professed, before God, that he always had and did abhor such designs; and desired the nobility to declare, whether they had not been witness of his frequent and earnest solicitations and professions to that purpose? Whether they saw any color of preparation, or counsels, which might reasonably beget a belief of any such design? and whether they were not fully persuaded, that he had no such intention; but that all his endeavors tended to the firm and constant settlement of the true Protestant religion, the just privileges of parliament, the liberty of the subject, and the law, peace, and prosperity of the kingdom *? The most solemn attestations of falshood, under the sanction of mental reservation, were so common a part of the King's conduct, that notwithstanding he constantly denied, with the strongest asseverations, that he had made any preparations for war, the public were not at all surprized to find, by intelligence from Holland, that the queen, from her first arrival in that country, had been very busy in her negotiations for foreign assistance, and had been providing large sums of money, and all kinds of warlike stores, with the sale of the crown-jewels †. The arrival of

* Thirty-six Lords, and four Commoners, who were of the privy-council, signed their names to a paper, attesting the truth of what the King had professed in this prevaricating declaration.

† Among these stores a mortar was bought, for shooting fire-balls of forty-eight pounds weight. The money raised upon these jewels was more than a hundred thousand pounds. This was the second time the King had pawned the crown-jewels.

a small vessel laden with arms and ammunition, which had very narrowly, by running itself into a narrow creek of the river Humber, escaped the vigilance of Warwick, tempted the King to declare his intentions.

Anno 1642.
Journals of
Commons,
vol. II. p.
623.

Having at length prevailed with the nobility at York to sign a paper, whereby they engaged themselves to defend his person, crown, and dignity against all persons and power whatsoever, he issued out commissions of array *, at the same

Measures of
the King to
put himself
in a military
posture.

* Serjeant Wild was sent up by the Commons, with an impeachment against Sir Richard Gurney (the present lord-mayor of London, a bigoted royalist) for publishing the King's illegal proclamation for the commission of array; for procuring a petition to be sent to the King, contrary to the sense of parliament; for countenancing a riot; for refusing to call a common-council, on the command of parliament. The following sentence was passed on him by the Lords: To be deprived of his office; to be held incapable of office in the city, or receiving any farther honor; to be imprisoned in the Tower of London, during the pleasure of the house. The lord-mayor had been imprisoned on his impeachment: this, by the fees which were exacted, was no light punishment. A petition of Sir John Conyers, lieutenant of the Tower, requested, That the Lords would please to ordain the lord-mayor to pay for fees for his entrance, and for composition of furniture for his lodging, one hundred and forty pounds, and twenty-five pounds per week for his diet. Conyers demanded fees of the lord-mayor as an earl, and he refused to pay more than as a knight: This was surely an unreasonable plea; because part of this delinquent's punishment was, to be degraded from his honor. Alderman Pennington, a staunch friend to the parliament, was chosen mayor on the deprivation of Gurney, who continued so obstinate in opposition, as to refuse to deliver up his sword to any but the King. On his refusal, the Lords sent their gentleman-usher to his house, to break open his locks, and possess himself of the sword and other ornaments belonging to the office. He had been before summoned to attend the house, on his attempting to proclaim one of the King's proclamations against an ordinance of parliament: on his averring, that he was bound by his oath, to execute all writs from the King, he was told by the speaker, in the name of the house, that he was not bound to execute any

Anno 1642.

The King
declares war
on his op-
posers.

time declaring, that his intentions were not to make war against the parliament, but against a few malignant spirits, whom he was determined to bring to justice *. This sophistry was too apparent to have its intended effect. The commission of array, an antiquated prerogative, rendered illegal by a clause in the late pressing act †;

any writ contrary to law, and required on his peril, not to publish any thing of the kind before he had acquainted the parliament with it. *Parl. Hist.* vol. XI. p. 255. 267, & seq. 338. 369. 387.

* The King argued, That he was so essential a part of the parliament, that when he separated himself from their counsels, the two houses lost all the authority and reverence which was due to parliament. Was not this a claim that the power of dissolving the parliament remained yet with him, notwithstanding the law passed against a dissolution without the consent of parliament?

† These commissions of array were what the King alluded to, when, in his declaration relating to the militia, he said, he did not doubt he could grant such commissions as would legally enable those he trusted to do all offices for the peace and quiet of the kingdom. The parliament alleged, That the King's commission to compel men against their will to provide arms, to train and muster, to be commanded out of their counties, and to be imprisoned at pleasure, was contrary to the sense of several acts of parliament, and expressly against the Petition of Right and the preamble of a statute made this parliament, entitled, An act for the better raising and levying soldiers for the present defence of the kingdoms of England and Ireland. The King, in a very voluminous declaration, endeavored to prove, that this right was inherent in the crown, and had never been curtailed by any statutes, urging two very extraordinary arguments, in contradiction to what had been advanced by the Commons; viz. That though the arming a man's self, or finding arms for another, could not be done without charge, yet that the clause in the statute of the Petition of Right, setting forth that, by the laws of the realm, the subjects had inherited the freedom that they should not be compelled to contribute to any tax, tallage, aid, or other like charge, not set by common consent in parliament, had nothing to do with the question in dispute; and for the statute entitled, An act for the better raising and levying soldiers, that the recital in the preamble of the statute was
not

was received with much disgust ; Mr. Selden, a Anno 1642.
 man of the first reputation as a lawyer, having
 voted against it, as a thing without any authority
 of law, the statute of Henry IV. on which it was
 grounded, being repealed *. An important cir-
 cumstance, of a fatal tendency, contributed to
 damp the hopes of the royalists. Notwithstand-

not binding, though he had desired that this statute might
 pass with a *salvo jure* for the King and people, on account
 of this very preamble. The King used an argument more
 plausible for the necessity of the act, from the votes of parlia-
 ment, declaring, that the kingdom was in imminent dan-
 ger of destruction, from enemies abroad and a discontented
 party at home ; and that there was a necessity to put the
 people into a posture of defence. This the parliament could
 have answered, by declaring, that the true sense of those
 votes were, that the liberty of the kingdom was in danger ;
 and that it was necessary for the subjects to arm in their own
 defence, under the authority of their proper representatives :
 that this vote was thus explained by a following one, That
 the King, seduced by wicked counsel, intended to make war
 against his parliament. The parliament would not allow the
 postulatam from which the King deduced his argument ; viz.
 That the kingdom could not be put into a posture of defence,
 without the command of him, the supreme governor. It is
 true, argued they, the King has nominally such a preroga-
 tive ; but then it is to be exercised according to the sense and
 judgment of the parliament, who alone can give him suffi-
 cient powers ; and are the only judges of the state of the ne-
 cessity and the manner of the defence ; and, if the King
 refuses to execute their judgment, they are empowered by
 their trust, as the Roman dictators were by a particular law
 of the people, to see that the commonwealth receives no
 damage. This must be the fundamental law of the consti-
 tution, because the constitution cannot exist without it ; and
 there must be a latent power in every free government, to
 support itself against the invasions, oppositions, obstinacy, or
 imbecility of the executive magistrate.

* The court, who thought Mr. Selden well affected to
 them, were so chagrined at the opinion he gave in parliament
 on this subject, that the lord Falkland wrote an exposu-
 latory letter to him, demanding of him, the reason why, in
 the present conjuncture, whatever his opinion was, he would
 oppose the commission of array ? *Clar. Hist.* vol. I. p. 517.

ing

Anno 1642. ing that the fleet, by the compliance of the earl of Northumberland to the request of parliament, was now under the command of the earl of Warwick, a staunch partizan to the popular cause; yet the King flattered himself, that the whole body of seamen were so much at his devotion †, and that he had so great an interest with the officers of the navy, that they would desert from their admiral, on the least intimation of his will.

The King endeavors in vain to get the command of the fleet.

Sir John Pennington was sent to the Downs to supersede the earl of Warwick, and to take on himself the command. Letters were accordingly dispatched to the captains of the several ships, to obey the directions they should receive from Pennington. But, to the King's great surprise and mortification, his mandate was rejected with contempt; and the whole fleet, the vice-admiral and four captains excepted, who by the courage of the seamen were immediately brought to *, cheerfully submitted to an ordinance of parliament, appointing the earl of Warwick lord high-admiral of England, in the room of the earl of Nor-

† On the seamen offering their assistance to guard the committee and the six members, on their return to Westminster, the King asked, What he had done to offend those water-rats? But, notwithstanding this token of their inclinations to the parliament, he yet thought them so much his creatures, that they would have thrown the earl of Warwick over-board, if he should have commanded them. These flattering presumptions are strong marks in Charles's character. *Clarendon's History*, vol. I. p. 523.

* The seamen shewed so much courage and activity on this occasion, that, on the peremptory refusal of two of these officers to come to, they surrounded their ships in open boats, without arms, entered them, struck their yards and top-masts, seized the captains, though armed with their pistols and swords, and brought them prisoners to the admiral, who sent them up to the parliament. *The Earl of Warwick's Letter to Mr. Pym. Parl. Hist.* vol. XI. p. 268, & seq.

thumberland,

thumberland, who had resigned his command on the King's dismissal *. Anno 1642.

Through an unpardonable neglect of the parliament, the earl of Newcastle, assisted by the gentlemen of the county, had taken possession of the town of Newcastle; and thus secured to the King a port to receive the supplies he expected from Holland. This incident recruited the spirits of the court. The earl of Lindsey, who had been a creature of the duke of Buckingham, and whose conduct had been very suspicious in the command of the expedition to relieve the ill-fated Rochellers, was appointed general of the King's army; his nephew, prince Rupert, brother to the Elector-Palatine, was designed for the generalship of horse †; Sir Jacob Ashley was to be

* Clarendon says, that this catastrophe was owing to the ill conduct and irresolution of Pennington: But on this, as on other occasions, he flatly contradicts himself, by advancing, first, that the parliament had garbled the navy according to their interest; and then alleging, that there were many gentlemen settled in the command of ships, whose fidelity and affection his majesty was assured no superior officer could corrupt; that captain Cartwright, a staunch friend to royalty, the comptroller of the navy, had been prevented from accepting the office of vice-admiral by an express intimation from the King, he thinking that he should give too much countenance to the conduct of the parliament, if he suffered an officer of his own to command the fleet, under an admiral he did not appoint. This formality, Clarendon supposes, was very mischievous to the King: and that captain Cartwright, had he been in the office of vice-admiral, could have preserved to him a great part of the fleet.

This, and other accidents, the fore-mentioned historian, who deals much in judgments, says, looked like the hand of Providence, to take that strength out of his majesty's hand of which he was the most confident. *Clar. Hist.* vol. I. p. 375, 378, 526.

† The employing his nephews in the war against his people, was supposed to be a piece of policy in Charles, his sister and her family having, till this period, enjoyed a great popularity

Anno 1642. major-general of the foot; and the marquis of Hertford * had a commission, to be kept secret till occasion should serve, to be his lieutenant-general of all the western parts of the kingdom; with a power to levy such a body of horse and foot as he found necessary for his service, and to contain his people within the limits of their duty.

Expedition
against Hull.

The first expedition of the King, was an attempt to recover Hull. Having previously put forth a proclamation, declaring the rebellion of Sir John Hotham; and sent a message to the parliament, signifying, that, before he would use force to reduce Hull, he once more required them to deliver it to him; wherein if they would conform, he would then be willing to admit such addresses, and return such propositions, as might

popularity among the English. The King had taken his elder nephew, the prince Elector, with him, in his expedition to seize the five members. This prince, fearing the being farther exposed to the probability of public hatred, had left the kingdom: his less prudent mother, though at this time supported entirely by the bounty of the English parliament, had written to her two sons, Rupert and Maurice, both of them engaged in the King's service, in a manner which exposed her so much to the resentment of this assembly, that it was warmly agitated, Whether, as she made so ungrateful a return for the favors she had received from the popular interest in this country, it would not be both equitable and convenient to withhold her allowance, and employ it to the public service?

* This marquis of Hertford was that Seymour who had been so rigorously and illegally prosecuted by James, on his marriage with the unfortunate Arabella Stewart: he had received continual disobligations from the reigning family, which occasioned him some degree of popularity; yet his love of royalty was so great, that, on the first advances from the court, he cheerfully accepted the invidious office of being tutor to the prince; and afterwards the nefarious one of raising arms against his country, in support of an oppressive power, under which he had himself smarted.

be proper to settle the peace of the kingdom; Anno 1642. he repaired with his whole court to Beverley, attended with a small train of artillery, those troops of horse and foot which had been raised to attend him as a guard, and the train-bands of the country*, to which place he assigned the parliament to send their answer.

Fresh advices having been received from Hol-land, that vessels had embarked from thence, fraught with a large proportion of arms, and carrying on board prince Rupert, prince Maurice, and other officers, designed to serve in the royal army; that some of the troops raised by the commission of array, had began hostilities on the officers of militia, and had attempted to seize on a ma-
Parl. Hist. vol. XI. p. 263, & seq. 276, 282, & seq.

* The parliament received intelligence, that colonel Wil-mot, Sir Hugh Pollard, and Sir John Berkley, were landed with fourteen pieces of ordnance, and were making fortifications near Hull; that the lord Willoughby of Eresby, son to the earl of Lindsey, and Sir Thomas Glemham, were come, with two hundred horse, upon the Humber side in Lincolnshire; that the King came to Beverley, on the fourth instant in the morning, intending to set down before Hull the next day; that by proclamation he had forbidden any provisions to be sent into the town, on pain of death; but that Sir John Hotham had drowned the country two miles round the town, so that no near approach could be made. On this intelligence it was resolved, That ten thousand foot should be raised, five thousand out of the liberties of London, and five thousand out of the adjacent counties; that the officers should be kept in continual pay, and the common soldiers every day they were trained; that two thousand men should be sent by sea to Hull, and some ships of war go down to the Humber; and that six pieces of ordnance, which were lately sent from this town, should be returned. The earl of Leicester, and lord Spencer, for opposing these resolutions, were removed from their lieutenantcies of Kent and Northamptonshire; and the earl of Pembroke, who had before the lieutenantcies of Wiltshire, the Isle of Wight, Kent, and the shires of Monmouth, Brecon, Glamorgan and Caernarvon, was appointed in their room. *Parl. Hist.* vol. XI. p. 270, 363, & seq. *Journals of the Commons*, vol. II. p. 682.

Anno 1642. magazine of arms in the county of Leicester, guarded by the earl of Stamford *; the declaring that lord, and those who had assisted him in the service, traitors; the sending of troops into Lincolnshire, and seizing mens' horses by force; the garrisoning the town of Newcastle; the fortifying the river Tyne, to interrupt the conveyance of coal †; the insolent behavior of the Papists in Cheshire, who in a peremptory manner demanded their arms ‡, several commissions having been given out to raise voluntiers for the King's service: these, with a threatening declaration § against the proceedings of both houses and their adherents, occasioned the parliament no longer to delay the putting themselves into a posture of defence. They passed a vote, That an army should be raised for the safety of the King's person, the defence of both houses of parliament, and of those who had obeyed their orders, and for preserving the true religion, laws, liberty, and peace of the kingdom; that the earl of Essex

The parliament pass a vote for raising an army, and prepare for defence.

* It was Mr. Hastings, of the Huntingdon family, who endeavored to seize on this magazine.

† The Commons having received information of great store of arms and money being packed up, to be conveyed to York, passed an order for a general search to take place in all cities, towns, villages, and ships, for these particulars. *Journals of the Commons*, vol. II. p. 653.

‡ The parliament had providently secured the arms of the Papists, who began at this time to be very riotous. A petition from Monmouth expressed great fears from the flocking together of these sectaries. *Journals of the Commons*, vol. II. p. 579.

§ In a conference on the subject of this declaration, the Lords desired the Commons to consider into what condition all those persons were brought, who had obeyed the orders and commands of parliament, that there might be a speedy course taken to provide for the safeties of the sitting of parliament, the lives of its members, and the safety of all those who had obeyed their commands. *Parl. Hist.* vol. XI. p. 265.

should be their general; and that they would live and die with him *. The earl of Bedford was nominated to the command of the horse; whilst Hamden, Holles, Whitlock, Fiennes, Mainyard, Grimstone, Selden †, Stapleton, St. John; men either eminent for their great knowledge of the law ‡, and constitution of the country, or for high virtues and abilities, entered themselves into the service of the parliament, and accepted of commissions under the ordinance of the militia §. The parliament were not without hope

* To the ordinance for the commission constituting the earl of Essex captain-general, the earl of Portland only dissented in the upper house. The Commons ordered, that the time when their house first voted the raising of an army should be printed. *Parl. Hist.* vol. XI. p. 300. *Journals of the Commons*, vol. II. p. 700.

† The King thought himself so sure of the affections of Mr. Selden, that he would have offered him the seals, but that he was told his love of indolence would make him decline the office. Whatever affection Mr. Selden might have to the person of the King, and however irregular he might think the conduct of the parliament, yet, when matters came to such an extremity as to oblige the two parties to appeal to the sword for the determination of their several pretensions, he wisely concluded, that, if the popular party prevailed, on the wrecks of the present constitution might be established a system of Law and Liberty; but, if victory attended the royalists, it would enable the King effectually to annihilate both. Notwithstanding Whitlock, a cotemporary writer of undeniable authority, asserts, that Mr. Selden accepted of a commission under the ordinance of militia, yet Clarendon says, that he inveighed against it as without shadow of law, or pretence of precedent, and destructive to the government of the kingdom. *Clarend. Hist.* vol. I. p. 517.

‡ Corbet and L'Isle, two eminent lawyers, gave likewise an opinion for the legality of the ordinance of militia. *Whitlock*, p. 54.

§ The lords Say, Wharton, Fielding, Roberts, St. John, Grey of Grooby, Rochfort, Sir William Waller, Sir Henry Luke, Sir Henry Cholmondeley, Mr. Grantham, all members of parliament, had likewise regiments given them; the lord Kimbolton was made lieutenant-general, and Sir John Merrick, major-general, of the parliament army.

Anno 1642. that the King, whose condition was by no means promising, might yet be brought to reasonable concessions. At the same time when they passed their votes for raising an army, they resolved; That a petition should be prepared, to move the King to a good accord with the parliament, and to prevent a civil war. According to this resolution, the earl of Holland, Sir John Holland; and Sir Philip Stapleton, were dispatched with all speed to Beverley, to present fresh propositions for peace. In these it was demanded, that the King would remove all preparations and actions for war, particularly the forces about Hull, Newcastle, Tinnmouth, Lincoln, and Lincolnshire: That he would recall the illegal commission of array*, dismiss his new-raised troops, return to his parliament, and hearken to their faithful advice: That he would leave delinquents to the due course of justice; and that nothing done or spoken in parliament, or by any person in pursuance of the command and direction of both houses, should be questioned any where but in parliament: That they, on their parts, would leave the town of Hull in the state it was before Sir John Hotham drew any forces into it, deliver the magazine into the Tower of London, and supply whatsoever had been disposed of for the service of the kingdom; and should be ready to settle the militia by bill, in a way which should be safe and honorable for the King, agreeable to the duty of parliament, and effectual to the good of the kingdom; that its strength should not be employed against itself; and that the parliament, and those who professed the Protestant religion,

The parliament send propositions to the King for peace.

* The judges were commanded by the two houses to publish, in their circuits, the illegality of the commission of array. *Journals of the Commons*, vol. II. p. 687.

both in England and Ireland, should not be left naked and defenceless to the mischievous designs of their professed and confederated enemies. Anno 1642.

Charles rejected these proposals with a haughtiness which even gave disgust to his friends who were the most attached to prerogative. His answer to the two houses was as extraordinary in the matter as magisterial in the style. He complained, that they had passed a vote of his intention to levy war against his parliament (a thing, God knew, his heart abhorred), notwithstanding his professions, declarations, protestations, to the contrary, seconded by the testimony of so great a number of peers; that it was the most scandalous and the boldest charge which had been yet laid upon him, that the necessary provision he had made for his own safety and defence, was to over-rule the judgment of his great council, and by force to determine the questions there depending, concerning the government and liberty of the kingdom. After denying all the particulars contained in the parliament's petition, he said, that though he had reason to complain, that, after they had sent this, they had beat up drums, &c. yet he was graciously pleased once more to propose and require, That the town of Hull, and its magazine, should be delivered to him; on which, to shew his earnest desire of peace, he would dispense with his own honor, and grant a free and general pardon to all persons within the town: That his navy should be delivered into such hands as he had appointed for the government of it: That all arms, levies, and provisions for war, made by the consent of both houses, should be immediatly laid down; and all power of imposing laws without his consent disavowed. These were the conditions on which the King promised

The King
rejects the
parliament's
propositions.

Anno 1642. to lay down arms, and repair to his parliament, that being adjourned to another place. Clarendon says, that several persons of the King's own party, dreading the consequence of exasperating the two houses to proceed to extremities, earnestly importuned him to return the matter of his propositions in the softest manner he could. Charles had a different game to play: he had now unexpectedly united to his cause * the greater number of the nobility and gentry of prime estates in the kingdom, who were ready to draw the sword against their country, in defence of his prerogative. The natural repugnance which attends a crime of that horrid nature once got over, and his followers engaged in blood, not only the mutual inveteracy which attends civil broils, but the preservation of their forfeited estates, would render them entirely dependant on his fortunes: this, and the natural advantages which attend success in arms, would enable him to insist on conditions which were not at this time prudent even to avow to his friends; and, were he foiled in battle, he looked on monarchy to be so essential a part of good government, that he should then be only obliged to submit to what was now proposed to him by the parliament. He positively refused to make any alteration in his answer; and having promised not to attempt Hull till he received the parliament's answer, proceeded to Nottingham and Leicester †, to secure the affec-

* Clarendon laments and censures that reluctance which was found, at first, among the moderate men of the King's party, to enter into preparations for the war.

† Whilst the King was at Leicester, some of his servants, in pursuit of the earl of Stamford and a party of militia, overtook the famous Dr. Bastwick, a principal officer in the service. The King would have had him indicted on the statute of the twenty-fifth of Edw. III. but the judge then attending the

tions of those counties *. On the return of the messengers, the parliament ordered their general to pursue his levies with all the vigor and speed he could; and an answer of refusal was sent to the King, inclosed to one of the secretaries of state. Anno 1642.

Charles immediately proceeded to the reduction of Hull. The earl of Lindsey, with a few raw undisciplined troops, to the number of two thousand five hundred horse and foot, after having made a few impotent attacks on the place †,

the affize told the King, he had no reason to be so confident of the country as to conclude that the jury would find the bill. The same judge, with some of the principal gentlemen of the county, the most attached to the King, pressed him to discharge the doctor, or give the judge leave to do it, on an Habeas Corpus; urging it as an act of justice and mercy which would work upon the people of the county to his advantage. Charles, finding by these symptoms that Bastwick would not be long in restraint after he left the county, told these counsellors he would think of the advice they had given him till the next morning; and immediately after their departure, directed a messenger of his chamber, with expedition and secrecy, to take Bastwick out of the county-gaol, and carry him to Nottingham, a place more particularly attached to him than any in the whole kingdom. Thus, by a measure which might have served for a warning to those of his followers who affected a regard for the Liberty of their country, did the King give an early proof what fatal shocks that Liberty must suffer, from the arbitrary precedents which he would have an opportunity to introduce in his military capacity. *Clar. Hist.* vol. I. p. 540, & seq.

* In his speech to the inhabitants of the county of Leicester he told them, that he had sent such propositions for peace and accommodation to his two houses of parliament, that he hoped he should have no other use of their affections but their prayers, being sure the two houses would submit to them with alacrity, if the inexcusable enemies to the peace of the kingdom were not strong enough to prevail. *Husbands's Collections*, 8vo. ed. p. 477.

† Sir John Meldrum, a valiant Scot, distinguished himself in the defence of the town of Hull; he acquired addi-

Anno 1642. was obliged to draw off his forces, and the King returned to York *. He was, in some measure,

tional reputation by a very spirited and sensible letter he wrote to the King, on the conduct of the court and ministry. *Rushworth*, vol. IV. p. 61c, & seq. 627, & seq.

* This attack on Hull was in pursuance of a plan formed between Sir John Hotham and lord Digby, for the delivering up Hull to the King. Digby had been sent over by the queen, to concert with the King a plan of operation; on his return, to hasten the provision of arms and ammunition he was taken and carried into Hull. Under the disguise of a Frenchman, he remained some time unknown; but his active romantic genius prompted him at length to discover himself to Hotham: the manner in which Hotham entertained the discovery, encouraged Digby to attempt his conversion to the King's service. After amusing him with bombast declamations on the state of affairs, and the conduct of the king's enemies, he told him, that he would, in a short time, reduce them all; that they had already lost the hearts of the people; that the fleet was entirely at the King's disposal; that all the princes in Christendom would engage in the quarrel; that the prince of Orange was coming over at the head of an army to attack Hull, &c. Then entering into a large description of the honor and glory that man would have, who could be so blessed as to prevent this terrible scene of confusion, he told Hotham, that he was the person who could do it; that, by delivering up Hull to the King, the war would be extinguished, and peace established throughout the kingdom; that the world believed he, Digby, had some credit both with King and queen, and he would employ it all, that Hotham should have the full recompence of his merit. The weak old man either listened, or seemed to listen, with an attention which spoke approbation of this vain discourse: it was at length determined between them, that if the King would attack the town, though but with one regiment, and shoot a single shot against it, Hotham would immediately deliver it up. Full of imaginary success, Digby posted to York, to concert measures for the enterprize; but in the interim, Hotham finding that the prospect of the King's affairs were not so favorable as had been represented, and farther intimidated by the earl of Warwick's coming into the port of Hull with several ships of war, on Digby's return he told him it was impossible for him to execute what he had promised; and all that Digby could obtain was, that him-
self

compensated for this repulse by the unexpected conduct of Goring, governor of Portsmouth, who, notwithstanding the most solemn professions of attachment to the parliament, in this important crisis declared for the King *. The accession

Anno 1642.

Goring, governor of Portsmouth, declares for the King.

self and Ashburnham, who had been taken prisoner at the same time, should have liberty to go to their master at Beverley, who, on this disappointment, was obliged to desist from any farther attempt on Hull. Clarendon is the relator of this secret piece of history, who, with his usual pomp of language, makes the following reflection on the incident of Digby's escape (the most odious man in the kingdom to the parliament): It was a wonderful influence which this noble person's stars, which used to lead him into and out of the greatest perplexities and dangers, throughout the whole course of his life, had upon this affair."

This was not the only plot which had been laid for the reduction of Hull. Some time previous to this period, Beckwith, a Papist, endeavored to seduce his son-in-law, one Fowkes, a lieutenant in the trained-bands of Hull, to betray the town to the King. For this service Fowkes was offered for his captain one thousand pounds *per ann.* and one thousand pounds in money, and for himself five hundred pounds *per ann.* and five hundred pounds in money; the annuity to be settled on themselves and next heirs for their lives. Fowkes had the honesty to disclose the offer to the governor, and a scheme was laid to draw into a snare one thousand of the King's horse, and five hundred foot; but Sir John Hotham afterwards changing his mind, notice was given to the King, that his plot was discovered. On the parliament's receiving intelligence of the business, a messenger was dispatched to York for the apprehension of Beckwith; who was not only protected by the King, but the messenger was insulted. *Clar. Hist.* vol. I. p. 545, & *seq.* *Rushworth*, vol. IV. p. 599, & *seq.*

* Goring, either by suppressing part of the evidence on the subject of the army-plot, or by an insinuating manner, preserved so much of the queen's regard and confidence, that she had once determined to put herself under his protection, whilst the King should repair to the North. On his declaring for the King, he imposed an oath on the garrison and townsmen, thrust those out of the town who refused to take it, and received into the fort many Papists. His being disappointed in the expectation he had formed, on some flight

Anno 1642. of a sea-port town, of reputed strength, and the gaining an officer of some experience in service, elated Charles to such a degree, that he immediately published a declaration, recapitulating all those actions he termed insolent and rebellious in the two houses; and, at the same time, put forth a proclamation, in which he required all men, who could bear arms to repair to him, at Nottingham, by the twenty-fifth of August following, there to attend his royal standard, which on that day he intended to erect *.

The King's
declaration
against the
parliament.

slight promise, of being made lieutenant-general of the horse in the parliament's army (a post which was conferred on lord Kimbolton), might have occasioned him, the most vain and profligate man of his time, to act this treachery. *Parl. Hist.* vol. XI. p. 363.

* The bills which had passed the two houses during the King's absence, and to which he denied his assent were,

1. For the better observing the Lord's Day.
2. For clearing the five members.
3. For the forfeiture of the estates of the delinquent bishops.
4. To restrain the creation of peers.
5. For raising ten thousand men for Ireland.
6. For calling an assembly of divines.

Parl. Hist. vol. X. p. 389, 487, 515. vol. XI. p. 136.

C H A P. V.

State of each party on the commencement of the war.

——The King endeavors in vain to gain the Scots.

——Proclaims the earl of Essex and his adherents

traitors.——Publishes a declaration against the

parliament, and offers pardon to those who should

lay down arms.——The royal standard erected at

Nottingham.——Overtures of peace.——Impoli-

tic declaration of parliament.——The King re-

treats to Shrewsbury.——His protestation.——

Gains recruits of men, money, and arms.——

Fallacious

Fallacious conduct of the King and Papists.——Battle at Edgehill.——Banbury surrenders to the King.——Victory claimed by both parties.——The King takes possession of Oxford and Reading.——The parliament vote an address for a treaty, and take measures to secure the city.——Division among the popular leaders.——Large faction in favor of the court.——Artful conduct of the King's enemies.——Treachery of the King.——The two armies meet, and retire without fighting.——The King endeavors in vain to resume the intended treaty.——Assessments.——Strength of the royal party.——Army of Papists and malignants, under the earl of Newcastle, infest the North.——Parliament's forces in those parts commanded by the lord Fairfax.——Encounter.——Counties associated by the parliament.——Application to the King for peace.——Fruitless treaty at Oxford.——Return of the queen.——Strength of the royal party in the North.——Successes in Cornwall.——Cirencester taken by the royalists.——Successes of the parliament.——Death and character of the lord Brooke.——Reading retaken by the parliament.——Treachery of Essex.——Skirmish on Chalgrave-field.——Death and character of Hamden.——Defeat of the parliament's forces at Adderton-moor, at Stratton, on Roundway-Down.——Bristol taken by the King's forces.——Triumphant state of the King's affairs.

CITIZENS and brethren, involved in acts of hostile violence against each other, the consequence of civil broils, must be a circumstance so repugnant to humanity, that it is to be imagined no incitements less powerful than the principles of self-defence, the strong allurements of interest, or ambitious views, could engage men in

Anno 1642.

Anno 1642. in such unnatural contentions. That the parliament, actuated by a generous love of Freedom, animated with the hopes of attaining the brightest, the most virtuous object of ambition, and incited by the fear of again falling into that slavery from which they had gloriously redeemed themselves and country, should urge matters to the extremity of war, is neither a subject of surprize or blame; but that a prince who had, for the space of twelve years, ravaged the constitution by repeated acts of tyranny and violence, had levelled the boundaries of law, and thrown down the bulwarks of civil and religious freedom; that such a prince, in his adverse state, should find a party to espouse his broken fortunes; that he should be able to persuade men to risk their all, in defence of his grandeur and authority; that he should be able to persuade men to lift their impious hands against the altars of Liberty, and drench their country in blood, to support him in a power he had abused, are circumstances which exhibit a melancholy proof of the extreme depravity of the human mind, when men cease to balance their affections by the scale of virtue and reason.

The state of
each party
on the com-
mencement
of the war.

Though the provocations the English had suffered, under the government of the Stewart family, had in appearance roused an universal spirit of opposition, yet when the jarring between the King and parliament came to hostilities, and the majesty and indefeasible power of the people were opposed to the claims of monarchy, the King found among the men of fortune and family a numerous party: these, priding themselves in the vulgar consideration of descent from opulent ancestors, fancied they had attained from this accident a right to tyrannize

rannize over their fellow-citizens : they sickened at the new-broached doctrines, asserting the equal rights of men ; and, deserting that cause which envy and oppression had engaged them to abet, ranged themselves on the side of the crown, from whence they expected support in their iniquitous pretensions. Thus the greater weight of landed interest operated for the King, who had likewise all the Popish recusants, and those who were superstitiously attached to the hierarchy ; two numerous bodies of men. These advantages were more than balanced by the popularity of the parliament. There were, in those days, a numerous set of people, who by husbandry, cloathing, and other industrious arts, were possessed of great property, and some of them good estates ; these men, being treated superciliously by the court, the nobility, and the gentry of ancient descent, all sided with the parliament. The commercial part of the nation, whose success depends on popular privileges, were wholly theirs *. They had the affections of all the lower class of people who were Protestants, and who were not tied by particular dependencies on the aristocratical families. These had been great sufferers by the tyranny which the clergy had usurped over their consciences, and were desirous to free themselves from the oppression of the lay gentry, who had been weak enough to sling out this provoking

* The trading part of the nation, who at this time began to be possessed of great property, were treated with a high degree of contempt by Charles and his father, and their nobility ; and the arbitrary acts of government exercised by the Stewart family were more sensibly felt among this body of men, whose want of vice rendered, in their eyes, the manners of a court hateful and despicable.

Anno 1642. insult on their condition, That twenty pounds a year was enough for every peasant to live on.

The parliament had secured London and all the sea-ports in the kingdom, except Newcastle and Portsmouth; the whole navy was in their service; the customs yielded them a considerable supply*; they had in their hands a large sum

* The parliament, by ordinance, appointed a defalcation of fifteen per cent. to those merchants who should advance, by way of loan, unto their commissioners, those sums of money which, by the last book of rates, would have been legally due, if the King had passed their bill of tonnage and poundage, declaring there should be a provision made in their next grant to the crown for the indemnity and security of such merchants; and that the defalcation of fifteen per cent. should be confirmed to them. In this ordinance it is asserted, That the debt due to the navy was two hundred thousand pounds, and that fifty-two ships of war were in the actual service of the kingdom. It appears, by the King's proclamation, prohibiting the payment of customs, on the authority of this ordinance, that it was generally obeyed. The parliament afterwards published a justification of their ordinance, in answer to the King's proclamation: in this they asserted, That the meaning of the penal clause in the act of tonnage and poundage, passed this parliament, was only to restrain the crown from imposing duties on the subject, without their consent, but did no ways intend to extend to any case where the Lords and Commons had given their assent. The King's proclamation having observed, that the payment of the customs seemed to cherish and foment an unnatural war, the parliament replied, that so much of that money as had been exacted by the earl of Newcastle, the lord Mohun, and Sir Ralph Hopton, was indeed employed to support an unnatural war, and foment a civil dissention; but that which had come to the disposal of the parliament had been, with care and faithfulness, disbursed for the payment of navy-debts, due by his majesty before the beginning of this parliament; and for the setting forth two fleets the last summer, the one for guarding the coast of Ireland, and preventing aid to the rebels; the other for the defence of England, the preventing an invasion, and the preservation of merchant-ships from pirates. To the King's assertion, that, by the merchants' obedience to the ordinance of parliament, the trade of the kingdom

of money raised for the relief of Ireland. Contributions were so easily gathered, and loans so cheerfully complied with, that, on a declaration of parliament, for bringing-in money or plate to furnish horse and arms, or for providing and maintaining horse, horse-men, and arms, on the condition of repayment, with the interest of eight per cent. sums to the value (as it is said) of some millions were brought to their committees: all ranks and conditions of men and women poured in their treasure to support the common cause, whilst the poorer sort of females offered up their wedding-rings and bodkins*. With these eminent superiorities, the popular party had a brighter, a more beneficial one. The genius of the nation, which had been long improving by a taste for Freedom, now exempt from the fetters of tyranny, was risen to a very exalted height, and ranged itself on the side of its parent Liberty. It was to the elocation of

kingdom was much lessened, they replied, that the rebellion of Sir Ralph Hopton in the West, wholly destroying the flourishing manufactories of the new draperies in those parts, by robbing the carriers and trawnters, by his majesty's cavaliers, of woollen cloth and other manufactures, whereby the commerce and intercourse of trade between London and the remote counties were interrupted: the rebels of Ireland setting forth men of war, and making prize of our merchantmen trading to and from foreign parts, had lessened trade; but the money raised by virtue of the ordinance of parliament was the only means to maintain the navy, without which trade and commerce would have been by pirates, Irish rebels, and foreign forces, wholly destroyed; and not only trade, but the whole kingdom, inevitably exposed to destruction, by his majesty's refusing to pass the bill for tonnage and poundage, had not the parliament wholly taken upon them the care thereof. *Parl. Hist.* vol. XI. p. 343. & seq. *Rushworth*, vol. V. p. 87.

* The King forbade the citizens to lend, on this occasion, money to the parliament, under the penalty of questioning their charter. *Parl. Hist.* vol. II. p. 221.

Pym,

Anno 1642. Pym, the unbounded knowledge and persuasive talents of Hamden, the profound sagacity of young Vane, &c. it owed its greatest success.

The King had a particular disadvantage, which he had incurred from the duplicity of his conduct: notwithstanding all his assertions to the contrary, the people in general believed he had an aversion to the free government of the country; that he had consented to all the laws passed this parliament with reluctance; that neither his oaths nor promises could be depended on; and that he meant to rescind or depart from every thing which had been enacted in favor of public Liberty. He had written a letter to his council in Scotland, in which he gave an account of the posture of his affairs, and of the conduct of the parliament *. The council sent him an answer, full of zeal and affection; and a petition was obtained, as from a large body of the noblemen, gentlemen, burgeses, and ministers of the kingdom of Scotland, in which many things were said to the disparagement of the English parliament, who, on hearing of this intrigue, took measures which effectually frustrated the intent. The forementioned petition was disowned; and the Scotch council, who were importuned by the nobility, ministry, and burgeses of Edinburgh, not to meddle for the King against the parliament, formed a petition, in which they entreated the King to hearken to his greatest, his best, and most unparalleled council; they dissuaded him from a journey into Ireland;

The King
endeavors in
vain to gain
the Scots.

Vicars's
Parl. Chron.
p. 107.

Whitlock,
p. 56.

* In this letter he asserted, that the parliament had levied an army against him before he had raised any forces; and that the imputation of bringing in foreign troops had been laid on him without shadow of reason. *Parl. Hist.* vol. XII. p. 45, & seq.

declared their earnest desires, that an union might be perfected between the King and parliament; and ended with a large manifestation of their hearty affection to this assembly, protesting that they would do nothing contrary to their privileges. Though a different conduct, in the Scots, would have been weak, ungrateful, and contrary to their obvious interest, yet it was an unexpected blow to the King, who had sedulously courted this people, from the time when he had determined to bring matters to a rupture with the English parliament. A message of thanks was sent to the Scotch privy-council, for their good advice: In this they were desired not to interpose in a manner which should weaken the confidence, or endanger the peace of the two kingdoms; and assured, that the parliament of England, according to the treaties ratified in both parliaments, the brotherly affection which they bore to the Scotch nation, the interest they had in its prosperity so much conducing to the establishment and security of the true religion and just liberties of England, would be very careful of the preservation of the mutual affection between the two kingdoms; for the better improving of which, and the applying their mutual union and correspondence to the settling the present troubles, they were desired to send the parliament of England the several messages, declarations, and instructions, they had received from the King. That they might the better remove any doubt or mistake of their actions, they did intend, on their side, to send to the council of Scotland such declarations, petitions, and remonstrances, as they should have occasion to make to his majesty and the people of England.

Anno 1642.

The earl of
Essex and his
adherents
declared
traitors.

Charles, at the same time when he commanded his subjects who could bear arms to attend his royal standard *, proclaimed the earl of Essex and his adherents traitors †, and published a large declaration against the parliament ‡. He

* On these proclamations of the King, the parliament published a declaration, that whoever should assist him in promoting this war against his people (he intending to make himself an absolute conqueror of these kingdoms, if not timely prevented), were traitors, and should be brought to condign punishment. *Parl. Hist.* vol. XI. p. 386.

† On a conference between the two houses, on the subject of this proclamation, Essex, after protesting that his actions should shew him as dutiful a subject as any the King had, said, he was as ready to venture his life in defence of the law, as the other great general for the breach of it. In the lower house, on the question being put, Whether that house would maintain, assist, and adhere unto him for the support of the Protestant religion, the King's person, &c. ? every member rose up in his place, one after another, and gave a distinct answer ; and a resolution passed, that absent members should declare themselves, from time to time, as they came into the house. Two days afterwards, the Commons sent up an impeachment against the marquis of Hertford, the earl of Northampton, lord Pawlet, lord Seymour, and Henry Hastings (second son to the earl of Huntingdon), with twelve more Commencers, for high-treason, in actually levying war against the king and kingdom. The lord Mountague of Boughton, the earl of Berkshire, and the earl of Carlisle, were committed to the Tower, for putting in execution the King's commission of array. *Parl. Hist.* vol. XI. p. 369, 418, 425, & seq.

‡ The parliament, in hopes of getting rid of a contest which consumed the time of their ablest members, had forbidden the publishing any declarations or papers of the King, which should be contrary to their ordinances : indeed, in the war of the pen, they fought on very unequal terms. The greater part of the nation were superstitiously attached to old customs, and bigots both in politics and religion ; the possession of useful learning was confined to a few individuals : the herd continued in the dark obscurity of Gothic-ignorance, or employed their faculties in the barren paths of scholastic divinity, and the light and delusive study of poetic fancy ; parts of literature which narrow and misguide the mind.

accused them of an intention to involve Religion and Liberty in anarchy and confusion ; and assur-

Anno 1642.

mind. Whilst opposition was directed by the common forms of the constitution, the reasoning of the popular leaders was close, clear, and conclusive ; but there can be no precision in argument, where the position on which the argument is built must be either disguised or excluded. The King derived advantages from the very circumstances which hampered his opponents, who could alone found their pretensions on conclusions drawn from positions necessary to the freedom of the constitution, but disagreeing with its forms, and not expressed in any law ; whilst the King would own no fundamentals but positive, express, and particular laws, which were all on his side, and obvious to vulgar sense. This controversy, however, subjected him to the mortification of owning that his administration, during the first fifteen years of his reign, was illegal and tyrannical ; of proving the mischiefs which flow from arbitrary power, the natural consequence, he said, of the parliament's maxims ; and that the government of England was compounded of monarchy, aristocracy, and democracy : but then, by his denying that the parliament, in any case whatsoever, could intermeddle with his government, he confined the existence of the two last-mentioned species to theory only, and evidently reclaimed the concession, by asserting, that his rights were of divine original, settled and established on himself and posterity by God ; since the laws of the constitution, allowed on all sides to be merely human, could never bind or controul the unalterable dictates of the Divinity. But absurd as are the pretensions and glaring contradictions to be found in the King's declarations, they passed with his own party as orthodox doctrine ; and even among the presbyterians, who were looked on by Charles and his father as irreconcilable enemies to their power, there were few who had formed any just notions of the nature of politic subordination, and the separate and distinct principles which bind the consciences of men in matters civil and religious : the prejudices of the majority of the parliament itself were opposite to those tenets on which a war with the King could be rationally justified ; and the cause of Liberty owed its success alone to such a flagrant want of sincerity on the King's part as convinced the people, yet smarting under the injuries of recent oppressions, that their safety depended on disabling him from rescinding those acts of justice which he had been necessitated to pass this parliament.

Anno 1642. ed the people, that their peace and security were shaken in the wounds which were given to his honor and authority. On recapitulating the favors he had bestowed on his subjects, he asserted, it was his earnest and affectionate desire to beget a right understanding with them which occasioned him to summon this parliament, and not any force on his inclination *. The High-commission court, he acknowledged, had proceeded with too much strictness, where the tender consciences of many of his weak subjects † were concerned; many persons had been grieved and vexed, under color of executing the forest-laws; and some endeavors had been made to set on foot forests, where in truth none had been; but then he had no sooner received complaint of this, but he had passed an act for redress ‡. He had consented to the abolition of the power of the High-commissioners, without pressing that the power might be rather qualified, and care taken for the upholding ecclesiastical discipline. Without disputing his right, he had consented that the judgment in his favor, in the business of ship-money, should be vacated and cancelled; and, in the preamble to the bill of tonnage and poundage, had parted with his power of imposing; a power which had been adjudged good, and exercised by his ancestors §. — After the King had expatiated on

* If this had been the motive of the King's action, why did it not determine him to what was so universally agreeable to the people, and to what they had so undoubted a right, before the rising of the Scots?

† The King always affected to call the non-conformists his weak subjects.

‡ When the complaint was backed by the authority of parliament, assisted by the power of two large armies, and the inclinations of the people.

§ The King still insisted that he had a right to these unconstitutional prerogatives; and allowed, in this case, what he

the merit of his concessions, he enlarged on the Anno 1642. ungrateful return he had met with from the parliament. On their accusation of his intention to bring up the army to awe the parliament, he asserted, that no man could believe him guilty of so strange a plot. On the subject of the conspiracy against the marquisses of Hamilton and Argyll, he said, the grounds of their fears were fully examined by the Scotch parliament, their persons being of that quality and estimation in the kingdom, that they were sure of justice *. Among the crimes of ingratitude with which the King charged the parliament, he told them, they had forgotten that blessed condition his subjects had enjoyed, of peace and plenty, under his government †; and animadverted on the remonstrance of the house of Commons, as of dangerous consequence to parliaments, being the first appeal which was ever made to the people ‡. The accusation and commitment of the bishops was remembered among the faults of the parliament; and the King insisted, that they could not repair to the upper house, without danger of their lives §. He

he had before denied, on the occasion of his exacting obedience to his commission of array; viz. that the preambles of bills were binding.

* A strange assertion, that they were sure of justice from these circumstances only.

† This was a circumstance entirely owing to the accidents of the times, and to the virtue and industry of the English; a circumstance greatly checked by monopolies and other parts of evil administration, and a circumstance which Charles endeavored to deprive of its advantages, by attempting to establish an arbitrary power of taxation.

‡ Who had any right to be the judges of their behavior but their own constituents? and to whom can any part of the legislature appeal for a sanction to their conduct, but to those from whom they derive their authority?

§ Many of the bishops, on their examination, declared to the contrary. The King, in endeavoring to lower the cha-

Anno 1642. asserted that his proceedings against the six members were legal; and that the order of the house of Commons, against arresting their members, was much more unjustifiable by any rule of law or justice, than any thing he had ever done, or any body had done by his authority. He confessed, that his withdrawing to the North was to be free from the importunate solicitations of the mean people; and reviled the leaders of the popular party as contemptible in number, and inconsiderable in fortune and reputation *. In regard to the navy, the parliament might as lawfully have sent his ships to the Indies, and ordained that he should never have any more, as keep them in the Downs against his will, and under a command he did protest against †. He charged them with having wasted and consumed the money given by act of parliament for discharge of the debts of the nation ‡; called their conduct an impudent injustice; asserted, that the security of the public was provided for by the commission of

racter of the popular members, makes a very odd confession. He taxed them with being so greedy of preferments, that they would even have saved the life of the earl of Strafford, if he would have conferred desired offices on them.

* This calumny is contradicted by Clarendon, who is one of the most partial writers of these times, and who had an inveterate malice against these men. "In the house of Commons," says he, the great managers were men of notable parts, much reputation, admirable dexterity, pretenders to severe justice and regularity." *Clarendon's History*, vol. I. p. 514.

† The parliament could not deprive the kingdom of its defence, or of the use of its navy; though they might prevent the King from taking such an advantage of the trust invested in his office, as should turn the arms of the public against itself: but these are distinctions incompatible with the prejudices of the King.

‡ The parliament, after this, published an account of their receipts and disbursements. *Vicars's Parl. Chron.* p. 109.

array;

array; that the ordinance of the militia could have no honest end which was not obtained by that commission; and owned that the power was in different hands, and like to be employed to other uses, than that ordinance was intended. He would not submit, he said, to the nineteen propositions, depose himself, and suffer the people and kingdom, which God and the law had committed to his government and protection, and for which he must make an account, to be devoured by them.

As if the invectives and assertions to be found in this voluminous declaration were so many undeniable facts and positions, the King, in a triumphing manner, asked, Can our good subjects be longer kept in this trance? Can our nobility, gentry, clergy, commonalty of England, sacrifice their honor, interest, religion, and Liberty, to terms, and the mere sound of parliament and privilege*? Is it possible for us to be made vile and contemptible, and shall our good subjects continue as they are? Can our just power be taken from us; and shall they enjoy their liberty†?—Charles ends his declaration with accusing of treason the six prosecuted members, with Sir Henry Ludlow, Mr. Martin‡, alderman Pen-

* Quere, whether honor, interest, religion, Liberty, in the King's declarations, were not more mere sound, than parliament and privilege in the parliament's?

† Surely this might be very possible.

‡ The following expression, in a very warm debate, had fallen from Sir Henry Ludlow, in the house of Commons: That Charles was not worthy to be King of England; and from Mr. Martin, that the kingly office was forfeitable; and that the happiness of the kingdom did not depend upon Charles, or upon any of the royal branches of that stock. For these speeches, which the house considered as untimely and intemperate, these two members though of great interest with

Anno 1642. nington, and captain Venn*; threatens to cause indictments to be drawn against the earls of Warwick, Essex, Stamford, lord Brook, Sir John Hotham, serjeant-major-general Skippon, and all those, who should henceforth exercise the militia, by virtue of the ordinance, on the statute of the twenty-fifth of Edward III. and offers a free pardon to all his loving subjects who should desire it, except the persons he had named, on condition of laying down their arms†.

The King offers pardon to those who shall lay down arms.

The royal standard erected.

On the twenty-second of August the royal standard was erected at Nottingham‡; but, to

the popular party, were severely reprehended by the speaker, by order of the house.

* The King accused these two of having stirred up the mob to tumult.

† The King, in this declaration, reproaches the Commons for a very proper distinction they had made in their orders concerning the election of their members; viz. That the members of the upper house should not interfere in this business, but that the order should not conclude the Commons. The parliament published their reasons for taking up defensive arms: these were a recapitulation of all the provocations they had received from the court, with the dangers which threatened the freedom of the constitution, from the pernicious schemes of the King and his party. *Husbands's Collections*, p. 541. *Parl. Hist.* vol. XI. p. 350. & seq.

‡ On the top of the King's standard hung a flag, on which were the King's arms quartered, with a hand pointing to the crown placed above, with the following motto, "Give unto Cæsar his due." Tories and high-churchmen have reviled and ridiculed their opponents for a licentious and absurd application of the holy scripture phrases; but no people have been more free with such quotations, or have misapplied them more grossly. A strong proof of this is their continued use of, and wresting the text, "Render unto Cæsar the things that be Cæsar's," to a general obedience to the will of princes, whether that obedience is ordained by the laws of the country or not; or whether, by the general unalterable laws of social compact, princes, by their ill conduct, have forfeited their title to such obedience. The forementioned text has no other

the surprize and mortification of the King, there Anno 1642.
appeared no conflux of people in obedience to

other direct meaning than a general precept, founded on the common principles of justice, such as, Give unto every one his due; and used at this time by Christ as a wise and cautious evasion of the persecution intended him by the Pharisees. The doctrine preached by Christ to his followers is of a different stamp from what the comments of time-serving priests have inferred from this their favorite text, "Render unto Cæsar, &c." Christ forbids his disciples to admit in their governments the pride, the pomp, the despotism, that at this time prevailed in the heathen states. "The kings of the Gentiles, says he, exercise lordships over them, and they that exercise authority upon them are called benefactors; but you shall not do so: but he that is the greatest among you, let him be as the younger, and he that is chief as he that serves." The doctrine of Christ asserted the equal rights of men; he not only recommended to his disciples, but commanded them to preserve that equality both in their civil and religious institutions. The matchless Milton has observed, that no government comes nearer to this precept or Christ than a free commonwealth, wherein they who are greatest are perpetual servants and drudges to the public at their own cost and charges, neglecting their own affairs, yet are not elevated above their brethren, live soberly in their houses, walk the streets as other men, may be spoken with familiarly, without adoration. As the doctrines of Christ plainly inculcated the freest principles of civil and religious Liberty, in opposition to the pride, pomp, and power of the Jewish priesthood, he was opposed with acrimony; and at length on the common accusation of being a seditious disturber of government, crucified by the intrigues of these spiritual tyrants, who, imagining his zeal for justice would make him launch out into unseasonable invectives against the monstrous abused power of the Cæsars, tempted him with that ensnaring question, "Is it lawful to give tribute unto Cæsar or not?" That this is the proper exposition of this text, the very question itself, with the introductory passage, evidently proves. "Then went the Pharisees, and took counsel how they might entangle him in his talk; and they sent unto him their disciples, with the Herodians, saying, Master, we know that thou art true, and teachest the ways of God in truth, neither carest thou for any man, for thou regardest not the persons of men; tell us, therefore, what thinkest thou, is it lawful to give tribute unto Cæsar or not." Had the tendency
of

Anno 1642. his proclamation. His horse to the number of eight hundred, under the command of prince

of Christ's doctrine been that of passive obedience, would the Pharisees have thought this a proper question to ensnare him? "Thou carest not for any man, said they, neither regardest thou the persons of men (i. e. you pay no adulation to power); tell us, therefore, is it lawful to give tribute unto Cæsar or not?" The question asked is not, Whether the Jews, from obligations of conscience, were bound to give tribute to Cæsar; but, Whether, having been a free and independant people, they could, without sin, acknowledge the authority of Cæsar, and submit to the Roman yoke? This they undoubtedly could do, because there was, at this time, no probable, or hardly possible, means to free themselves; therefore Christ, perceiving their wicked design, evaded the entering into the particulars of the case, and said, "Why tempt ye me, ye hypocrites? (i. e. why do you pretend scruples of conscience to ensnare me?). shew me the tribute-money. Then they brought unto him a penny. Whose image and superscription is it, said our Saviour? They said unto him, Cæsar's. Then said he unto them, Render therefore unto Cæsar the things which are Cæsar's, and unto God the things which are God's." Had the end of Christ's mission and doctrine been the establishing of governments on the basis of conscience, could there have been a more favorable opportunity than was given him by this interrogation of the Pharisees, to have expatiated on the subject of obedience as a moral and religious duty? But this would have been a contradiction to the whole tenor of his doctrine, which evidently tended to emancipate his followers from the servile yoke and customs of the Gentiles, to assert the independency and free agency of man, and render him capable of attaining that sublime degree of moral and religious virtue which he taught and practised; an example impossible to have imitated, had his disciples been bound by religious obligations to have obeyed the foolish commands of their Gentile governors. Had not Christ intended to evade acknowledging the authority of Cæsar, he might have given a ready answer to the question, "Is it lawful, &c." by telling the Pharisees, that Cæsar was their supreme governor; that kings and emperors held their power by the particular will of God; that they were earthly representatives of the majesty of the Deity; that they were his vicegerents; and that, as such, they were bound in conscience to yield obedience. This doctrine, which has been maintained by modern divines, would from such an authority have very sufficiently enforced the precept of obedience to governors,

Rupert, lay at Leiceſter*; his cannon and ammunition were left behind at York, there not having been foot enough levied to guard it in its paſſage to Nottingham. Some few train-bands, which Sir John Digby (the ſheriff of the county) had drawn together, were all the ſtrength he had to defend his own perſon; a force ſo much inferior to what the parliament had now in the field, that Sir Jacob Aſhley, ſerjeant-major-general of his army, told him, that he could not give any

nors, whether for good or evil; but Chriſt, in his answer, carefully avoided confounding political and religious obligations, or uniting the circumſtance of giving tribute to Cæſar with the idea of religious duty. On being told that the image and ſuperſcription of the penny was Cæſar's, "Then, ſaid he, render therefore unto Cæſar the things which are Cæſar's, and unto God the things which are God's." The tempters, diſappointed of their deſigns by this unexpected forbearance of our Saviour, marvelled, and went their way.

The famous writer of the Tory party, lord Clarendon, has adorned the heads of the ſeveral books into which he has divided his hiſtory, with quaint, though not always pertinent, texts of ſacred ſcripture; and in that very performance, blames the popular preachers for perverting thoſe writings to their purpoſes. The ſame paſſage in which he mentions with diſapprobation ſeveral apt texts which theſe had made uſe of, he ends with, "The complaint of the prophet Ezekiel might moſt truly and moſt ſeaſonably have been applied: There is a conſpiracy of her prophets in the miſt thereof, like a roaring lion ravening the prey. They have devoured ſouls, they have taken the treaſure and precious things, they have made her many widows in the miſt thereof." Clarendon, in a ſecond obſervation, ſuppoſes that no ſin can be more reaſonably determined to be the ſin againſt the Holy Ghoſt, than a miniſter of Chriſt turning rebel againſt his prince. In the doctrine of the moſt fanatic ſectaries, is there to be found ſo abſurd a concluſion? *Clar. Hiſt.* vol. II. p. 17, & ſeq.

* Clarendon ſays, that this body of horſe, the only ſtrength the King had to depend on, were few of them better armed than with ſwords; that they were not half the number of the enemy's horſe, excellently well armed and appointed. *Clar. Hiſt.* vol. II. p. 1, & ſeq.

Anno 1642. assurance that he might not be taken out of his bed, if the rebels should make an attempt to that purpose. Whilst himself and his friends were ruminating on the peril of their situation, they received the mortifying intelligence, that Portsmouth, besieged by sea and land by the parliament's forces, would be reduced in a few days*; and that the marquis of Hertford, who it was expected would have gathered a power sufficient to relieve Portsmouth, was driven out of the West†.

* It was the supposition that Goring was enabled to preserve this important town which engaged the King to declare himself so early. That it was not longer defended against the parliament's forces, was entirely owing to the ill conduct of the governor, who, though having been equally entrusted by both parties, he had received large sums from each, to victual and fortify the place; yet on the important crisis when he was obliged to declare himself, he was so ill provided for a siege, that on the parliament's securing the Isle of Wight, by imprisoning its governor, the earl of Portland, a suspected Papist, and sending a troop of horse, with the trainbands of the neighboring county, under the command of Sir William Waller, to invest Portsmouth; Goring was obliged to surrender the town, on condition of leave to transport himself beyond sea, and his officers to repair to the King. Clarendon says, that though Goring's chief dependance for money and provisions was on the Isle of Wight, yet he neglected to secure the castle and block-house which guarded the passage, and that those revolted to the parliament as soon as he declared for the King. *Whitlock*, p. 60, *Clar. Hist.* vol. I. p. 550, & *seq.* and vol. II. p. 15. *Parl. Hist.* vol. XI. p. 363

† The King expected great things to be performed in his favor by the marquis of Hertford, who had the assistance of the lords Pawlet, Hopton, Stawel, Coventry, Berkley, and Windham, with many other gentlemen of interest and property in the Western parts. The marquis of Hertford wrote in the following triumphing style to the queen: "I am with all speed to repair to the West, to put his majesty's commission of array in execution, which I make no doubt to perform without any great difficulty, if God so prosper us as I trust
he

The King, in his way to Nottingham, had attempted Coventry; but this spirited city shut their gates upon him, fired at his men, and obliged him to retire. In that anxiety of mind which circumstances alarming as these occasioned, heightened by superstitious apprehensions arising from the accident of the standard's being blown down by a high wind*, the nobility about the King pressed him to send an immediate message to the parliament, with overtures of peace; but the obstinacy of this prince's temper was rather encreased than subdued by opposition: "No misfortunes attending my endeavor to defend myself (said he) can expose me to more evil than a treaty at this juncture, where I must be understood to be willing to yield to whatsoever they shall require of me†." Thus resolved, the King broke up the council; but the next day the earl of Southampton, a man of reputation with the party, re-urged the advice, as an expedient which might do good, and could do no harm: that the King's propositions for peace would in

he will in so good a cause. We shall then shortly, I hope, be blest with your majesty's long wished-for presence, and hey then down go they; and to our greater encouragement, Sampson (Goring) is come over to us. Your majesty may perceive that I hope well, that I presume to be thus merry with you." Hertford was driven out of the West by the assistance of the yeomanry only, the prime gentry of those parts being, for reasons already specified, engaged for the king. *Parl. Hist.* vol. XI. p. 365. *Clar. Hist.* vol. II. p. 4.

* Clarendon very gravely enumerates this accident among the ill presages which attended the melancholy state of the King's affairs. *Clar. Hist.* vol. I. p. 557.

† The King imagined that no other ill consequences could attend his pushing matters to the utmost extremity, than the sacrifice of his followers. His person and office he thought too essential to the government of the country, to suffer from the ill chances of so unpromising a war.

Anno 1642. all probability be rejected; and therefore it would bind him to no conditions: that it would incline the people more to serve him: that the parliament had before Sherborn, Portsmouth, and Northampton, three several armies, the least of which was strong enough to drive him out of his dominions: that it was better to seem to desire peace*, which would render him gracious to the people, than to suffer himself to be taken prisoner: that if the parliament refused to treat, they would lose the hearts of the people, who would then believe that the war was, on his majesty's part, purely defensive: that the overture would necessarily produce some pause and delay in their motions, by the debate it would occasion: that his majesty so far from slackening his preparations, might be more vigorous in hastening the levies for which his commissions were out. This last consideration prevailed on the King: the earls of Southampton and Dorset, Sir John Colepeper and Sir William Udal, were sent with a message, to the following purport, to the two houses†: That the King had, with unspeakable grief of heart, long beheld the distractions of his kingdom; that his soul was full of anguish, till he could find some remedy to prevent the miseries which were ready to overwhelm the nation by a civil war. After a long exordium of the same nature, the King propounded to the parliament, to appoint persons to treat with a like number authorized by him. After many general professions that nothing should be wanting on his part

Overtures of
peace.

* Clarendon owns, that it was taken for granted, that the King's propositions for peace would be rejected; and that, for this reason, they ought to be made. *Clar. Hist.* vol. II. p. 6.

† The third day after the standard was set up.

which

which might advance the true Protestant religion, oppose Popery and superstition, and secure the law of the land, on which was built as well his just prerogative, as the property and liberty of the subject, he concluded with assuring them, that nothing but his Christian and pious care to prevent the effusion of blood had begot the motion, his provision of men, arms, and money, being sufficient to secure him from violence, till it pleased God to open the eyes of his people.

The earl of Southampton and Sir John Colepeper arrived in town before the rest of the embassy. Southampton went straight to the house of peers, and took his place; but as he had declared hostilities against the parliament, by attending the King's standard, he had scarce set down when he was ordered to withdraw*. Having informed the house, that he had a message from the King, the gentleman-usher was sent after him, to require him to deliver it. On his pleading the King's command to deliver it himself to the house, they passed an order for his sending it; and commanded him to depart the town immediately, on his peril, acquainting him, that the reason why they did not further proceed against him, at this time, was his being employed by the King in business to the house. Sir John Colepeper, who, at the same juncture attended the house of Commons, by a more modest conduct had gained ad-

* Though the Lords could not have acted otherwise than as related, without condemning the cause they stood engaged to defend, yet Clarendon animadverts on the transaction as an absurd conduct in the upper house, who had always been used to treat a privy-counsellor with respect, not to let Southampton, against whom, he said, no public objection had been made, deliver a message from the King, in his own place, as a member. *Clar. Hist.* vol. II. p. 8.

Anno 1642. mittance. On his forbearing to go into the house till he had asked leave, they permitted him to deliver his message at the bar of the house; but immediately to withdraw. The parliament wasted no time in unnecessary disputes: within two days a message was dispatched to the King, in which they told him, That till he should recall his proclamations and declarations, whereby the earl of Essex and both houses of parliament, and those who had obeyed and executed their commands, were declared traitors; and till the standard was taken down, they could not, by the fundamental privileges of parliament, the public trust reposed in them, or the good and safety of the kingdom, give any other answer to his proposal. The sudden determination of this business gave such an alarm to the royalists, that the King was advised to give over his thoughts of conquest, to make all imaginable haste to London, and appear in parliament, before they had any item of his intention*. This seasonable proposition was rejected with disdain; but the parliament having sent down their principal officers to Northampton, to put that army, which lay adjacent to the King's quarters, in a readiness to march, it was thought necessary to amuse them by another message; in which the King promised to recall his proclamations and declarations, provided they would revoke theirs against those who had assisted

* The advice of returning to London, in all probability, came from Southampton and Colepeper; such a course having been strenuously recommended to them by those of the parliamentary party, who wished well to the King. It was very disagreeable to the selfishness of Hyde, who expected no preferment from parliament: he triumphs in the King's fatal obstinacy; and says it must be solely imputed to the King's own resolution that he took not the course advised by his best friends. *Clar. Hist.* vol. II. p. 9.

him*. The parliament, perceiving the King's aim, immediately dispatched the messenger† with an answer, in which they accused the King with the duplicity of his conduct, of hostile instructions sent to his commissioners of array, since his pacific professions: they required him to disband his forces, and return to his parliament, where he would find such expressions of their fidelity and duty, as should assure him that his safety, honor, and greatness, could only be found in the affections of his people, and in their sincere counsels‡.

* In this message the King denied that he had ever declared both houses of parliament traitors, or designed to set up his standard against them; though, in his proclamation for suppressing the present rebellion, under the command of Robert earl of Essex, he declares him and his adherents traitors; and says, that that insolent and prodigious commission of captain-general over the whole kingdom of England, and dominion of Wales, was granted the said earl, in the name of the two houses of parliament. Were not the King's distinctions more refined and more unintelligible than that which the parliament made between the personal and political capacity of the King; a distinction which has been so much scoffed at by those who cannot, or will not see the real difference which exists in this case? *Rushworth*, vol. IV. p. 769.

† The lord Falkland, who brought this second message, was received in the same manner as had been Sir John Colepeper. *Parl. Hist.* vol. XI. p. 413.

‡ The King having sent a third message to the parliament, in which he endeavoured to exculpate himself, and throw the entire blame of the war on them, they returned the following answer: That when they considered the oppressions, rapines, firing of houses, and murders, committed on his majesty's good subjects, even now a treaty was propounded by those men whom he thought himself bound in conscience and honor to protect, as persons doing their duty, they could not think that he had done all which was in his power to prevent the present distractions; That they had offered to him every thing a treaty could produce; viz. Security, honor, service, support, and all other effects of loyal, humble, faithful subjection, seeking nothing but that re-

Anno 1642.
Impolitic
declaration
of parlia-
ment.

To encourage those who had lent large sums to the public, the two houses published a declaration, in which they protested, that they would not lay down their arms till the King had withdrawn his protection from delinquents, and left them to the justice of the parliament, that they might serve as a warning to succeeding generations, bear those burthens which the commonwealth had suffered since his majesty's departure from his parliament, and repay those large sums which his well-affected subjects had lent to the assistance of the commonwealth. This declaration, intended to encourage the vigor and spirit of the party, not being seconded by action, was attended with evil consequences; it convinced all those who had acted for the King, that the

ligion, Liberty, the peace of the kingdom, and safety of the parliament, might be secured from the open violence and cunning practices of a wicked party: That there were no competent persons to treat between the King and parliament: That by persisting to shield wicked instruments he endangered himself and kingdom, whilst they were willing to hazard themselves to preserve both: That his protestations of regard to his Protestant subjects of Ireland, or resolution to maintain the religion and laws of this kingdom, could not give satisfaction to reasonable men, whilst Irish rebels, with their agents, were admitted to his presence with grace and favor, and some of them employed in his service; whilst cloaths, munition, horse, and other necessities bought by the parliament for the supply of the army against the Irish rebels were violently taken away, by his command, and applied to the maintenance of an unnatural war against his people here: That notwithstanding this, if he would be pleased to come back to his parliament, without his forces, they should be ready to secure his royal person, crown, and dignity, with their lives and fortunes: That his presence in his great council was the only means of a treaty with hope of success: That they only intended the good of the kingdom, and were not to be diverted from that end by any private or self-respects whatsoever. *Parl. Hist.* vol. XI. p. 423, & seq.

preservation

preservation of their fortunes depended on the support of his power: the moderate royalists, who, though they had been incited by mistaken interest and puerile prejudices to act against the public peace, wished well to the freedom of the constitution, grown desperate by this ill-timed threat, entered into the most violent counsels of the party. The King's levies, and other warlike preparations, from this period were carried on with great expedition. The parliament, on their side, ordered the dispersed bodies of their troops to march to Northampton*. When the earl of Essex, who had been attended out of town with great pomp, amidst the acclamations of the people, joined the army, it amounted to fifteen thousand men. The King found it necessary to decamp from Nottingham, and retire into the West†. Nothing would have been more easy, in this his retreat, or whilst he lay at Nottingham, than for the parliament's troops to have dissipated the small handful of his followers; and either to have taken him prisoner, or obliged him to fly the kingdom‡: But this oppor-

* All prospect of peace being now vanished, and the nation already plunged in the horrors of civil war, the parliament passed an order for suppressing stage-plays, during the continuance of the public calamities, and another for the banishment of the Capuchin friars at Somerset house, and demolishing all the monuments of idolatry there erected. *Parl. Hist.* vol. XI. p. 411, & seq.

† The King, for want of draught-horses, had not been yet able to bring up his artillery from York.

‡ It has been imagined, that the popular leaders, from motives of policy, neglected to take this advantage of the King's weak condition; but I cannot see that the protraction of the war promised any other advantages to the most sanguine of the party, than those which would have naturally flowed from this event, in concurrence with the King's restless desire of rule, and his promptness to enter into im-

Anno 1642. tunity was missed by the too cautious disposition of the earl of Essex, who had not yet received his instructions; a fatal neglect, occasioned by the sanguine hopes of the parliamentary leaders, who, depending on the King's unpopular character, and judging the sentiments of the fickle vulgar by the liberal warmth and manly steadiness of their own feelings, regarded it as impossible for him to raise a force sufficient to encounter their army*; that the nobility and gentry would soon be weary of maintaining the troops already on foot; and thus they should accomplish their designs without spilling the blood of their countrymen. This fond hope lost the favorable moment which would have restored, with triumph to the cause of Liberty, the public peace. A moment irretrievable, since the destruction of that cause was the fatal consequence of the protracted war.

The King
retreats to
Shrewsbury.

Charles was suffered to retreat to Shrewsbury, without molestation: when he arrived at Wellington†, he caused his military orders to be read at the head of each regiment. After this ceremony, himself addressed the troops in the

prudent measures, stimulated by the petulant intrigues of the queen and her party.

* The dilatoriness of proceedings, in this important business, must be entirely imputed to the lower house: the Lords sent several messages to them, to hasten the instructions, which, they said, ought to be given to the general before he marched the army. It is said, that Mr. Pym and Mr. Hamden said to Sir Benjamin Rudyard, That the King could never be able to raise an army, to oppose the parliament. Had not these two great patriots thought too highly of the gross and servile conceptions of the multitude, much mischief would have been avoided. *Heath's Chronicles*, ed. 1676, p. 36.

† Within a day's march of Shrewsbury, the place he had appointed for the rendezvous of his whole army.

following

following style: He could not suspect their resolution; their conscience, their loyalty, had brought them together to fight for their religion, their King, and the laws of the land; they should meet with no enemies but traitors, most of them Brownists, Anabaptists, and Atheists, who desired to destroy both church and state, by whom they had already been condemned for their loyalty to the King: that they might see, he said, what use he intended to make of their valor, if it pleased God to bless it with success, he thought fit to publish his resolution in a protestation. He did promise, in the presence of Almighty God, that he would defend the true Protestant religion, established in the church of England; he desired to govern by the known laws of the land; he did solemnly and faithfully promise to maintain the just privileges and freedom of parliament, and particularly to observe those laws to which he had assented; if the great necessity and straits into which he was driven did beget any violation of these, he hoped it would be imputed, by God and man, to the authors of the war, and not to him, who had so earnestly labored for the preservation and peace of the kingdom.

The multitude, whose blind, fatal credulity no experience can enlighten, swallowed the airy bait; nor could the well known insincerity of the King's temper, nor the necessity of his circumstances, enforcing him to speak a language foreign to his nature and his prejudices, prevent the vulgar of all ranks from being caught by the cajoling speeches which he made to the people in all the counties as he passed. The inhabitants of Derby, Stafford, and Shropshire, returned his flattery with passionate expressions of affection

Anno 1642. to his person, and adherence to his fortunes: in Shrewsbury he met with as favorable a reception, a small party of parliamentarians having been driven out of the town by the very fame of his popularity *. He was no longer in want of money; the gentry not only supplied him with their purses, but their plate; and undertook, at their own charge, to make levies of horse and foot. The two universities, who, to the disgrace of science and academic breeding, had ever been the servile tools of the court, poured in their hoarded treasures, both private and public, to support it in its tottering state †.

The King gains recruits of men, money, and arms.

Clarendon's Hist. vol. II. p. 24.

* This town, declaring for the King, gave him a communication with all North-Wales. Essex, among his other omissions, neglected the securing Shrewsbury, which would have deprived the King of this advantage.

† This learned body, by cajolements and promises, imposed on the lord Say, or the King would have been deprived of this resource. Sir John Byron had been driven, by the parliament's forces, out of Oxford; and it was proposed, in a council of war, to secure the place by garrison, being of importance by its strength, its situation in a plentiful country, and its vicinity to London, besides its being notoriously disaffected to the cause of Liberty. A counsel thus wise and provident was rejected. The lord Say, lieutenant of the county, through an ill-timed affectation to patronize learning, complied with the inclinations of the university, whose head-officers had waited on him in a body, and, with many flattering protestations, engaged themselves not to act against the parliament. The more vigilant Oliver Cromwell, a member for the town of Cambridge, had seized on the magazine lodged in the castle, and hindered the carrying off plate from that university to the value of twenty thousand pounds; but they afterwards found means to convey their treasure to the King, who was so well supplied with gold and silver, that he erected a mint at Shrewsbury; and it is to be supposed there was no want of metal, for Clarendon complains that, for the scarcity of workmen and instruments, they could not coin quite one thousand pounds a week: "The King, says this historian, causing all his own plate for the service of his household, to be delivered into

For the benefit of the common cause, a piece of mockery was kept up between the King and the Papists: whilst these took the oaths of supremacy and allegiance, and made formal profession of Protestantism, the King published a proclamation, commanding the laws to be put in execution against recusants; directed the judges to enquire into this business, on their circuits; and forbad that any should be employed in his service, who refused to take the oaths. Whilst he resided at York, his court was crouded with converts*; they obtained employments of im-

Anno 1642.

Fallacious
conduct of
the King
and Papists.

into the mint, made all other men think theirs was the less worth preserving." Absurd observation! because the King, to pay an army he had raised to support his authority, sacrificed his plate, did it lessen the value of other mens'? *Whitlock*, p. 60. *Parl. Hist.* vol. XI. p. 388.

* A letter of intelligence of the late affairs in Yorkshire, which the parliament had received, mentions, that since the King's proclamation for raising his standard, there were great rejoicings among the Papists, who flocked from Ireland, Lancashire, and all parts of Yorkshire to York; that the King had sent out warrants, to call to his service all recusants, horse, and arms; and that many recusants, to make themselves capable of command, did resort to church. Doubtless, animadverts the letter, the King's design must be otherwise than is expressed in the proclamation for raising the standard; for if it were the defence of the Protestant religion, the laws of the land, and the privilege of parliament, so often repeated, we conceive the Papists, who hate them all, would not so much rejoice, nor shew themselves so forward to assist the service. This letter farther advises, that the earl of Cumberland, lord Saville, lord Fauconberg, all or most of the commissioners of array, and other gentlemen of the county, met in the deanery at York, and there, with great secrecy, framed a petition, which they sent up to the parliament; but that, when it was divulged, it was disliked by a great number of the gentry of the county: that there were continual meetings and consultations at the deanery, of dangerous and high consequence, contrary to the laws of the land, and the liberty of the subjects to join in associations with other counties; to maintain the petition; to raise an

Anno 1642. portance in his army, and were made commissioners of array: among the inhabitants of the

army of horse and foot; to constrain all persons to contribute to the charge; and to disarm and imprison all such gentlemen as either opposed these oppressions, or denied their assent: that the officers of the train-bands had already taken both money and arms from the people: that the houses of the gentry of the country, adverse to these measures, had been pillaged by the King's army: in particular Sir Henry Cholmondeley's and Mr. Marwood's houses; that Mrs. Marwood and her servants were threatened with death to discover where her husband was, whom they threatened to cut in pieces before her face, calling her Protestant whore, and Puritan whore: that they broke open seventeen locks, took away money to the value of one hundred and twenty pounds and all the plate they could find: that many loose people threatened to pillage and destroy all the roundheads, under which name they comprehended all such as did not go their ways. The letter finishes with a proposal which the parliament complied with; viz. that they should pass an order, that those subjects who suffered in their estates by the licentiousness of the cavaliers, should have full reparation and damage out of the estates of such persons of wealth, who, with their presence and assistance, did countenance these disorders; that a sufficient proportion of powder, arms, &c. should be sent down, to furnish those whom the malignant party had disarmed; and that commissions for suppressing insurrections and unlawful tumults should be sent down. Lord Clarendon, who dilates largely on some rapines which were committed by the parliament-party on the houses and property of Papists, is both silent on the order which passed both houses against these plunderers, and on the many enormities of the like nature which were committed by the royalists in Yorkshire, and in every county where they were not kept under by the superior strength of their opponents. This petition, which, in a manner, threatened the parliament with the petitioners taking up arms against their authority; and, with infinite exaggerations, mentions some devastations which Sir John Hotham had been necessitated to commit in his defence of the town of Hull, and which the parliament had promised to repair to the sufferers, was termed by the Lords, one of the highest and most insolent petitions which ever came before them, and for which they were resolved to have justice. *Parl. Hist.* vol. XI. p. 335, & seq. 381, & seq. 405.

western parts of England, who had expressed a more abundant affection to the King, were many Popish recusants; a treaty for a loan was soon set on foot, and a large contribution obtained, on the pretence of advancing two or three years of composition-money *. Such indeed was the disposition of the country for granting loans and contributions, that, from the low state the King was in at Nottingham, within twenty days after his arrival at Shrewsbury, he found himself in a condition to meet the parliamentary forces; his army, amounting to six thousand foot and two thousand horse, was furnished with arms from the Nottingham train-bands †, and the armories of the noblemen and gentry affected to the cause ‡. It was attended by a good train of artillery, augmented by carriage-horses and waggons, prepared by the parliament for the service of Ireland; and which the King seized on, as they lay at Chester ready for transportation §.

This unexpected dawn of fortune was brightened by a small advantage prince Rupert had gained, in a skirmish at Worcester, where colonel

* The composition itself being a suspension of established laws, was an illegal compact; it made the King's proclamation on the subject of putting the laws in execution against recusants a contemptible farce, since those with whom he had made composition were supposed to be exempted from other penalty. Clarendon says, that it concerned the King much that this transaction with the papists should be kept a secret, to avoid the scandal of a close conjunction with them. The King raised six thousand pounds, by creating Sir Richard Newport a baron.

† The Nottingham train-bands had refused to serve out of their county, but were compelled to part with their arms.

‡ The vigilance of the earl of Warwick had prevented the King from receiving any farther supply from Holland.

§ The earl of Leicester constantly refusing to deliver these up to the King, one Errington, a servant of the earl, was bribed to demand them, in his master's name.

Sandys,

Anno 1642. Sandys, a Kentish gentleman, in the service of the parliament, was killed. Elated with this success, the King left Shewsbury; and, in order to bring on an action, directed his course towards London. The instructions which Essex had received from the parliament imported, that he should present a petition to the King to return to parliament*; which if he complied with, all the forces but those necessary to secure his return, were to be disbanded: that he should by battle or otherwise, rescue him and the royal family from the malignant faction: that he should offer pardon to such as would return to their duty in ten days, excepting to those who had been voted against in either house of parliament, for delinquency, or impeached for treason, excepting the duke of Richmond, the earls of Bristol, Cumberland, Newcastle, Rivers, Carnarvon, the lords Newark, Falkland, secretary Nicholas, Endymion Porter, and Edward Hyde. Immediately after the receipt of these instructions, Essex sent a messenger to Shrewsbury, to know when the

* The parliament in this petition complain, That a prevailing party with his majesty had excited, encouraged, and fostered an unnatural rebellion in Ireland: That they had endeavored to begin the like massacre here, but being therein disappointed, they had, as the most mischievous design of all, drawn his majesty to make war against his subjects of this kingdom, leading in his person an army against them, as if he intended by conquest to establish an unlimited and absolute power over them: That this army, by his power, and the countenance of his presence, had ransacked, spoiled, imprisoned, and murdered several of his people. The petition finishes with a promise that, on the King's return to the parliament without his forces, they would receive him with all honor, yield him all due obedience and subjection, and faithfully endeavor to secure his person and estate from all dangers, and, to the utmost of their power, procure and establish to his people all the blessings of a glorious and happy reign. *Rushworth*, vol. V. p. 18, & seq.

King

King would receive the petition he was appointed to deliver to him. The tone of the court was now elevated to that degree, that the petition was refused to be accepted, if sent by any persons who stood personally accused by his majesty of high-treason, and specially excepted in all his offers of pardon. This restriction, so derogatory to the honor of parliament, was rejected with disdain by their general *, who hearing that the King, with all his army, was gone from Shrewsbury †, moved from Worcester to attend him. Though Worcester and Shrewsbury are within twenty miles of each other, the King marched ten days in total ignorance of Essex's motions. At Edgecot, a village in Northamptonshire, at twelve o'clock at night, he received intelligence from his nephew prince Rupert, of the near neighborhood of the parliament's army; and that it would be in his power to fight a battle the next

* Essex afterwards, by the command of parliament, sent, with a letter from himself, three of their votes, relative to the conditional terms the King annexed to the receiving their petition, with a desire of a safe-conduct for such as should be sent with it. The answer the King returned was, That, if justice had been done, Mr. Copley, the gentleman who brought the letter and votes, could not expect his liberty; and for the petition, he would not receive it by the hands of such as he had by name proclaimed traitors: That having now declared Essex the principal in that number, he would not receive it by his address. Lord Clarendon, either ignorantly or wilfully, has not represented this fact justly. *Parl. Hist.* vol. XI. p. 455.

† The parliament and city of London were much alarmed at their army's remaining a day at Worcester, after the King had left Shrewsbury; they hastened the marches of their general, by continual dispatches; and recalling the earl of Warwick from his naval office, appointed him captain-general of all the forces raised or to be raised in and about London. Orders were likewise given for the shutting up shops, and a temporary forbearance of trade. *Rushworth*, vol. V. p. 33.

Año 1624. day *. The King resolving on the attack, his
 October 23. army was drawn together on Edgehill, within
 Battle at two miles of the enemy. Essex was as little ac-
 Edgehill. quainted with the numbers as the motions of the
 royalists †; neither was his own army complete,
 two of his best regiments of foot, and one of
 horse, being a day's march behind, with the am-
 munition ‡. On this surprize he performed the
 part of a good general, and drew up his men to
 as much advantage as circumstances would allow.
 His right wing, composed of a body of foot, and
 two bodies of horse, were drawn up near the

* It is said, that the King rejoiced at the presented opportunity, and, on viewing the parliament's army through a prospective glass, cried out, "I never saw the rebels before in a body! I am resolved to fight them! God and good men assist my righteous cause!" It may not, perhaps, be improper to contrast the King's feelings with those of the emperor Otho, on an occasion somewhat similar. Charles, in hopes of a victory, which would put him into possession of absolute power, and give him a complete conquest over the laws and constitution of his country, instead of shewing repugnance, rejoiced at the approaching moment which was to deluge the land with the blood of his countrymen and subjects. Otho, though a man so low in character, as to have been the friend and parasite of Nero, had not by that connection so entirely subdued Roman feelings, as to live the author of the distresses of his country. Though the quarrel he was engaged in was not of that nefarious nature as the establishment of tyranny on the ruins of Liberty (that had been already effected) yet, to avoid the shedding Roman blood, he deprived himself of being, and left to his rival the undisturbed possession of imperial sway. *Heath's Chronicle*, p. 40.

† Whilst the King was in ignorance of the near neighborhood of the parliament army, he designed to attack Banbury; which was the intelligence Essex had received of his intended motion. *Parl. Hist.* vol. XI. p. 474.

‡ Besides this deficiency, Essex had left one regiment at Hereford, on the confines of Wales, to prevent the King's friends in this country from falling into Gloucestershire, and invading the West; and a third at Banbury. *Parl. Hist.* vol. XI. p. 473.

town

town of Keinton; his left wing, composed of a strong body of foot and one thousand horse, was commanded by Ramsey, a Scotsman; and the center by Sir William Balfour, under the earl of Bedford, general of the horse; Essex himself resolving to charge in person at the head of a regiment of foot. The centre of the King's army was commanded by Sir John Bryon, the right wing by prince Rupert, and the left by colonel Wilmot; whilst Lindsey placed himself in a situation similar to that which the earl of Essex had chosen*. The King, through an indiscreet partiality, had rejected the greater experience of the old earl of Lindsey †, and followed the opinion of his nephew prince Rupert ‡, in forming his army, which, in direct opposition to that under the earl of Essex, had its greatest strength in the two wings.

On the advance of the royalists, Sir Faithful Fortescue, an Irishman, who had the command of a troop of cavalry in the parliament's army, ordered his men to discharge their pistols on the ground, and ranged himself under the command of prince Rupert §. This treachery so intimidated the left wing, where he was posted, that they fled on the first attack; whilst Wilmot, the commissary-general of the King's horse, made

* One Ruthven, who had had the command of Edinburgh-castle, was general of the horse under prince Rupert; Sir Arthur Aston, a Papist, was colonel-general of the dragoons; and Sir Jacob Ashley was major-general of the foot.

† Lindsey had served in the Low-Countries with the earl of Essex.

‡ Prince Rupert was not twenty-three years of age.

§ There were to the number of seventeen or eighteen of this troop who met with the proper reward of their treachery; for, having forgotten to fling away the colors of their general, they were killed by the party to whom they deserted.

Anno 1642.

the same impression on the right wing. The runaways were pursued by these unexperienced commanders with such rash precipitation, that, carrying away with them the flower of the army, they exposed the centre, in which were the persons of the King and his two sons, to imminent danger. Sir William Balfour, seizing the advantage, attacked the King's infantry, quite unfurnished with horse, and made great havoc. Lindsey the general was mortally wounded, and taken prisoner: his son, endeavoring his rescue, fell likewise into the hands of the enemy. Sir Edmund Verney (the King's standard-bearer) was killed*; and, according to the account given by Clarendon, Essex had once more an opportunity of seizing the King's person, with his two sons, but by an unaccountable piece of policy forbore the advantage†. Prince Rupert, on his return from pillaging the baggage of the enemy‡, found, to his mortification, instead of a complete victory, all the symptoms of a defeat, and the King with a few noblemen, and a small retinue about him, at the mercy of the victor. In vain did he attempt to renew the fight; the

* The standard was taken, and brought to the general; but being by him entrusted to the care of the secretary, by negligence it fell into the hands of one Smith, of the King's party, who was knighted and made standard-bearer. *Parl. Hist.* vol. XI. p. 477.

† The King remained for some time with fewer than one hundred horse, without an officer, within half a musquet-shot of his victorious troops. Essex's conduct was so contrary to his instructions, that it is difficult to vindicate it from the suspicion of treachery.

‡ In the account the commanders of the parliament-army gave of the event of the battle, they imputed their not meeting with a total defeat wholly to the length of time the King's cavalry spent in plundering their baggage. *Parl. Hist.* vol. XI. p. 476.

fire

fire of his troops, which had at first bore down Anno 1642. all before it, was entirely extinct. Both parties, equally reluctant to repeat the bloody scene, retreated from farther engagement; but spent the night near the field of battle. In this unpleasant situation the parliament-army found superior advantages to their enemies, in the good affections of the common people, who supplied them with many refreshments, which were wanting to the royalists.

The returning light discovered to both parties the sight of each other; but though the parliament-army was joined with a body of between three and four thousand foot, commanded by colonel Hamden, and it was proposed in a council of war to renew the battle, yet Essex was the first who drew off his men *, and retired to Warwick: thus not only complimenting the King with the honor of the victory, but leaving to him the possession of Banbury; which being attacked by the royalists immediately after the battle of Edgehill, surrendered on the first assault, though garrisoned with a regiment of eight hundred foot and a troop of horse †.

Banbury
surrenders to
the King.

Essex, in friendly quarters, where he was supplied plentifully with all manner of provisions,

* Whitlock says, that Essex was much pressed by his friends, and particularly by the officers of the fresh troops, to make an attack on the King's army. *Whitlock*, p. 61.

† Clarendon says, that the royalists had so little hopes of taking Banbury, that it was thought adviseable by many not to attempt it; that, contrary to expectation, the garrison, on leave to go away without their arms, kindly delivered up the place; that half the common soldiers entered in the King's army; and that the remaining arms supplied those soldiers of every regiment who had never had arms, or had lost them at the battle. This was the first fruits of Essex's ill conduct. *Clar. Hist.* vol. II. p. 44.

Anno 1642. was in such a hurry to retreat before the King's half-starved army *, (who, with the disadvantage of inferiority of numbers †, were very ill provided with arms) that he left many of his wounded soldiers and his carriages behind him in the village of Keinton, adjacent to the field of battle; and, that nothing might be wanting to the disgrace of his troops, and to swell the triumph of the King, he suffered a small detachment of his army to take away four pieces of his cannon, without molestation ‡. The slaugh-

*. The King's pretensions, and the conduct and principles of the cavalier party, were so detested by the people of this county, that they not only refused to give the royalist soldiers bread, but if any, enforced by the necessity of hunger, detached themselves from the main body of the army to seek it, they knocked them on the head. Clarendon says, that the people of the country were so disaffected to the King, that they had carried away or hid all their provisions: the very smiths concealed themselves, that they might not be compelled to shoe horses. *Clar. Hist.* vol. II. p. 35, 39.

† The King's army was originally inferior in number; and Clarendon says, that the morning succeeding the battle the King found his troops very thin: that a third part of his foot was away, and of the horse many were missing. *Clar. Hist.* vol. II. p. 39.

‡ In the relation of the battle, published by the King, it is asserted, that prince Rupert pursued Essex's army, in their retreat to Warwick, and took twenty-five of their waggon and carriages, laden with ammunition, medicaments, and other baggage.

Though Essex shamefully retreated before the King's forces, with all the marks of a defeat, yet, in the letter which was sent to the parliament by their military committee appointed to attend the army, narrating the particulars of the battle, it is asserted, that the King's foot were most of them either slain or ran away; that the earl of Essex would have pursued them, but that he was necessitated to refresh his men for three or four days. The letter concludes with the advising the writing to the southern counties, to stir them up to pursue the runaways. *Rushworth*, vol. V. p. 35, 38.

ter on both sides, as to numbers, was nearly equal. Of officers of distinction, the parliament lost the lord St. John of Bletnezzo and colonel Essex; whilst Lindsey, the King's general, the lord Aubigny, brother to the duke of Richmond, the lord Stewart, and Sir Edmund Verney, fell in the cause of prerogative*. No man of distinction was taken pri-

* Influenced by an idle partiality to the rank of prince Rupert, the King had exempted him from subjection to the commands of the general. This occasioned a relaxation of discipline; and the preference he gave to the opinion of Rupert was so childishly resented by the earl of Lindsey, that, complaining to his friends of the King's partiality, he said, That being only a nominal general, he was resolved, at the day of battle, to place himself at the head of his regiment, as a private colonel, where he would die. Lindsey was so great an enthusiast to the cause in which he had engaged, that the officers whom the earl of Essex had humanely sent to visit him, and to offer him all kind of assistance, disgusted with the admonitions and reprehensions which he plentifully bestowed upon them, soon retired; and his zeal having not spared the earl of Essex, that nobleman-contented himself with sending his best surgeons to him, and desisted from his intention of visiting him in person. Of all those whom whim, prejudice, and ignorance of the true rules of virtue, occasioned to follow the King's fortune, none have shewn more fully the imbecility of their judgment than Sir Edmund Verney and the earl of Clarendon. This last tells us, That Sir Edmund Verney was very melancholy, on the prospect of the war, and said, he did not like the quarrel; that his conscience was only concerned in honor and gratitude to follow his master; that he, having eat his bread and served him near thirty years, would not do so base a thing as to forsake him; and chose rather to lose his life, which he was sure he should do, to preserve and defend those things which were against his conscience to preserve and defend. "Now, says Clarendon, if those who had the same and greater obligations, had observed the same rules of gratitude and generosity, whatever their other affections had been, that battle had never been fought,

Anno 1642. foner by the royalists; by the parliament-army, the lord Willoughby, Sir Thomas Lunsford, Sir Edward Stradling, and Sir William Vavazor. Both parties, taking advantage of a dubious appearance, pretended to a complete victory *; but the city of London had been previously alarmed with the news of a total defeat, from a party of Essex's horse, who flying on the first onset, had not recovered their panic

Victory
claimed by
both parties.

nor any of that mischief been brought to pass which succeeded it." That is, if all men who by office, or other favor, were ever connected to the court, had been base and ignorant enough to govern their conduct so entirely by the obligation of that connection, as to support principles and things contrary to their judgment and conscience, Liberty would never have found partizans powerful enough to vindicate her cause. *Clarendon's Life*, vol I. p. 135, & seq.

* The following is the form of the prayer used by the King and his party on the day of thanksgiving, and afterwards published by his authority:

"Oh! thou God of hosts, who goest with our armies, and pleadest the cause of thine anointed against them who strive with him; We acknowledge, with all lowliness of mind, that it was not our sword, nor the multitude of our host, which saved us in the day of battle; but it was thy hand alone which hath disposed of victory to thy servant the King, which coveredst his head in the day of battle, and hast kept his crown from being thrown to the ground. Not unto us, therefore, not unto us, but unto thee, O Lord! do we give the praise, beseeching thee to accomplish the great work thou hast began for us; to continue the blessings of good success on the head of our sovereign, and on his army, that the happiness thereof may flow from thence to the very skirts of his people; to continue the fear and consternation which thou hast already cast upon the hearts of those who have rebelliously risen up against him; to enfeeble their strength, to infatuate their counsels, to undeceive and disabuse the seduced part of them, that they may know and feel, that to take up arms against thy vicegerent, is to fight against Heaven; that so, by a timely and conscientious submission to the just authority of him whom thou hast set over them, the effusion of more blood may be prevented, &c." *Vicar's Parl. Chron.* p. 203, & seq.

sufficiently

sufficiently to return to the field of action. The King, after he had recruited and refreshed his army, continued his march, and took possession of Oxford; a town more at his devotion than any other in the kingdom *: from Oxford he proceeded to Reading †; the governor ‡ and garrison of that place having fled with precipitation to London, on the approach of a party of his horse.

Anno 1642.
The King takes possession of Oxford and Reading.

Now it was the prospect of affairs began to darken: The King, whom Essex, after missing several opportunities, might, even at the battle of Edgehill, have destroyed or taken prisoner,

* These zealous academicians, as they had before presented the King with all their plate, so now they gave him all the money they had in their treasuries. *Clar. Hist.* vol. II. p. 53.

† Nicholas, the King's secretary, in a letter to the earl of Cumberland, written the day after the battle of Edgehill, tells him, that the King was marching by Oxford to London, in which place he was to be met by Sir Ralph Hopton, with ten thousand horse and foot, of his and other gentlemen's raising in the West: that there were in Wales six or seven thousand men, who would be ready, on all occasions, to come to his majesty; but it was hoped he would not need their help: he had given such a blow to the earl of Essex, that neither himself nor army would be again in haste to adventure themselves against the Lord's anointed. This letter coming to the hands of the parliament, was read by their order at Guildhall to the lord-mayor, aldermen, and common council, with the account of the battle, which was not, as Clarendon asserts, a false and flattering one, but just and candid; the parliament rather endeavoring to raise the attention of the city to the present danger, and to urge them to means of prevention, than to deceive them with ill-founded hopes. In narrating the history of the battle, the lord Wharton asserted, that prince Rupert and his troops had committed unnecessary slaughter on the persons of countrymen, women, and children, in the village of Keinton, where was the baggage of the parliament-army. *Parl. Hist.* vol. XI. p. 482, & seq.

‡ Martin, whom the King had particularly excepted against in his offers of pardon, was governor of this place.

Anno 1642. was now grown formidable; and the parliament, after dallying with their advantages, found themselves engaged in a bloody war, whose uncertain event rendered precarious the very existence of Liberty. The public consternation was encreased by the King's approach to Colnbrook, whilst Essex was yet at a distance. In these alarming circumstances, the parliament voted an address for a treaty; but, like Roman senators, in a time of equal danger, they did not despair of the commonwealth*: Even in those moments when they imagined the King had gained a complete victory, they talked not in terms of despondence; but with great sagacity and coolness proceeded to pass the following necessary orders; viz. That the King's children should be removed into the city; that the neck of land over against Durham-house should be fortified; the Papists in Lancashire secured; the prisoners in and about the city more strictly confined; and the shops shut up, that the shopkeepers and apprentices might have no employment to prevent their giving their whole attention to the defence of the city. Two ordinances passed both houses; one providing a maintenance for the soldiers who should be wounded, and for the families of those who should be killed in the public cause; and the other for a fast, but with exception to the able-bodied men about London, who were to keep themselves in a readiness to fight for the public†. After these

The parliament
voted
an address
for a treaty.

Measures to
secure the
city.

* At the same time when they voted an address for a treaty, they published their intention, that the preparation for forces, and all other necessary means for the Protestant religion, the privilege of parliament, and the laws and liberties of the subject, should be prosecuted with vigor. *Parl. Hist.* vol. XII. p. 7.

† The parliament, on the first item of the King's intention to leave Shrewsbury, had given orders that the trainbands

measures were concluded on, for defending the Anno 1642.

bands in and about London should be put into a posture of defence; that the confines of London and Westminster should be defended by guard-houses, posts, bars, and chains; and that the train-bands and volunteers of its several parishes should keep watch day and night. The declaration ordering the train-bands to be in readiness, lays the following charge on the King: That he, by the help and assistance of the Papists, the prelatical and corrupt part of the clergy, the delinquent nobility and gentry, the confluence of proscribed traitors, and of many desperate, mercenary, and ill-affected persons, from all parts of the kingdom, had raised an army, for the most part armed, cloathed, and fed with the spoils of his subjects: That wicked counsellors about him did not only hinder him from exercising the justice and protection of a King towards his people, but that honor which is observed between enemies: That the two following propositions were made to one David Alexander, by Sir John Henderfon, a Papist, a confident instrument of his majesty, to assassinate Sir John Hotham, and put fire to the magazine of the army, raised by the parliament. "What is it, says the declaration, which moves any honest man, or Protestant to assist his majesty, in this unnatural and impious war? Is it for fear of some innovations and alterations of religion or church-government? Nothing is intended but to take away the government by bishops, evidently mischievous to the church and state, with other things which shall be found, after consultation with an assembly of learned divines, justly offensive. Is it to uphold the authority, prerogative, and honor of the King, and to preserve the safety of his royal person? Surely the parliament is, and ever hath been, ready to do any thing to secure these. If there be no cause, for any of these respects, to seek the destruction of the parliament, and the blood and ruin of their kindred, friends, and acquaintance, what remains then to be the matter of the quarrel, and the effects and consequences of their victory, if they should prevail? That priests, Jesuits, and the pope's nuncios may domineer and govern in the King's councils, as heretofore; that the archbishops of Canterbury and York, with their suffragans, may silence diligent and powerful preaching, banish and oppress the most pious and best-affected subjects in the kingdom, and introduce the Popish religion under Protestant profession; that the earl of Bristol, the lord Digby, and other such traitors, may be the arbiters of state

Anno 1642. city, securing the King's revenue *, and raising money; one Sir John Evelyn, whose timidity had occasioned him to refuse to enter into an

affairs, and the distributors of preferments and disgraces to such as shall further or oppose their designs; that delinquents may not only escape the justice of parliament, but triumph in the spoils of all honest men and good patriots; that, through our divisions, the rebels in Ireland may prevail; that we may cease to be a free people, and become the object of cruelty and oppression at home, and of scorn and infamy abroad: And if there can be no other fruit of their hazard and endeavor on that side, let them consider whether, by adhering to the parliament, they may not expect effects more suitable to the desires of honest men; the glory of God, in the preservation of his truth; the peace of the church, by securing it against the pride, avarice, and ambition of the clergy; the honor, greatness, and security of the King, by freeing him from false and traitorous counsels, and establishing him in the hearts and affections of his people; and the prosperity of the whole kingdom, by the blessings of good laws and a righteous government." After the battle of Edgehill, on the King's approach to London, lines of circumvallation were ordered to be flung up in and about the city: at these works the lower class of people, men, women, and children, incessantly toiled; whilst females of fortune, discarding the privilege annexed to their situation, of being useless to society, attended the laborers with meat and drink. *Parl. Hist.* vol. XI. p. 444, & seq. 447, & seq.

* The resolution for securing the King's revenue had passed before the battle of Edgehill, with the following; viz. That such persons as shall not contribute to the charge of the commonwealth, in this time of imminent danger, shall be held fit to be disarmed and secured: That the fines, rents, and profits of archbishops, bishops, deans, and chapters, and of such notorious delinquents as have taken up arms against the parliament, or have been active in the commission of array, shall be sequestered for the use and service of the commonwealth. This resolution occasioned the revolt of one of the King's followers, the lord Coventry, who, in a submissive letter to the upper house, offered two thousand pounds for carrying on the public cause, desiring to be protected in person and estate, and to have his arms in Worcestershire restored to him. *Parl. Hist.* vol. XI. p. 446, 453, & seq.

agreement

agreement to assist the earl of Essex with his life and fortune, was ordered to be expelled the house, disarmed, and committed to the Tower *.

Thus calm, thus regular, thus resolute, was that spirit which awed the unruly multitude into necessary subordination, at a time when civil discord had dissolved the bonds of legal obedience; who, whilst it prepared defence against the hostile invasion of an army, guarded against the more dangerous machinations of a malignant faction which lurked in the capital. Whilst concord reigned among the popular leaders, all opposition gave way to the wisdom of their counsels; but even now malice, envy, and an overweening desire of superiority, had created faction among them, which not only blasted the promised harvest of bringing the King, without blood-shed, to proper terms of accommodation, but put him in a state more formidable *to the freedom of the constitution*, than he had ever yet been, since his accession to power. The earl of Northumberland, whom Charles had complimented with the highest office of command in the kingdom, looked with an envious eye on the great powers invested by the parliament in the earl of Essex, and headed a large body of men infected with the same venom; whilst the earl of Essex himself, entertaining a mean jealousy of

Divisions among the popular leaders.

* Sir John Evelyn desiring leave to be heard before the censure was pronounced by the speaker, the request was complied with; and, on his declaring himself in the affirmative to the vote concerning the earl of Essex, and offering to lend upon the propositions one hundred pounds, the house revoked their former order. They had before expelled and imprisoned Sir Sidney Mountague, for refusing their oath of association to live and die with the earl of Essex. *Parl. Hist.* vol. XII. p. 5, & seq.

Anno 1642. those rational notions of democratical freedom which prevailed in the lower house, and which equally alarmed all the narrow-minded noblemen of the party, had forbore to avail himself of those advantages which might have put a decisive conclusion to a dispute which now threatened all the horrors of a bloody war. London had not been purged of a large body of male-contents, whom the parliament had discharged from public service on suspicion of their principles; even among the citizens, whose zeal for Liberty had been stimulated by ill usage received from the Stewart family, there were men who owed their fortunes to the partial favor of the crown, farms of the customs, patents, monopolies, and other illicit indulgences: nor was the King entirely without a party in the parliament itself, some continuing their seats on purpose to do him service, when occasion should offer. These, with other individuals of all ranks, either attached to his fortune by similarity of principle, or converts to his cause through disgust of those severities which the necessity of circumstances had obliged the parliament to exercise *, made a large faction in favor of the court, and were continually plotting against the parliament: they failed not to take advantage of that terror which the report of a total defeat at Edgehill had spread through the whole town; and though the parliament had voted, that their army had the victory, and appointed the obser-

Large faction
in favor
of the court.

* The parliament had appointed a committee of safety, whose office it was to see the commonwealth received no damage: they had the management of the whole business relative to the war, and were trusted with very arbitrary powers; such as to break open the houses of those suspected of disaffection, and to secure their arms and money. The earl of Northumberland was chairman of this committee.

vation

vation of a solemn thanksgiving, yet the circumstances of the King's taking Banbury, with the lord Say's house at Broughton, and marching forward, whilst the earl of Essex lay still at Warwick, were circumstances of such presumption that the event of the battle had been in favor of the other party, that they were not easily to be contradicted. The King, to fortify this pretension, sent an offer of pardon to the city of London, and several other towns, which had declared for the parliament; whilst his well-wishers in both houses, taking advantage of that consternation which the earl of Essex's backward conduct had occasioned, proposed a peace, as the only means to secure the public from danger. This motion was powerfully seconded by those who were envious of the military commanders, and by men of nominal greatness, who wanted the prop of monarchy to support their insignificance against the towering virtues of the popular leaders. The tide within and without doors running too strong in favor of pacific measures, to attempt opposition, the anti-court party not only gave way to the motion*, but seconded it, artfully insinuating, that care should be taken that a too great zeal for peace might not be a means to leave them in the power of the enemy; that such measures ought to be pursued for the continuation of the war, as should convince the King they were not reduced so low as to accept of the terms he pleased to impose. This advice being too sagacious to be rejected by the majority of parliament, it produced the following resolutions: That his majesty should be addressed for settling the peace of the kingdom: That the preparation

Artful conduct of the King's enemies.

* The motion for peace was first made in the upper house. *Parl. Hist.* vol. XI. p. 489.

Anno 1642. of forces, and other necessary means for defence, should be prosecuted with vigor, if an honorable and safe peace might not be obtained: That the Scots should be applied to for assistance, in case there should be any occasion. A messenger was dispatched from both houses, to desire of the King a safe-conduct for a committee of Lords and Commons, to attend him with an humble petition from parliament *. The messenger found him at Reading, whose cowardly garrison had not a little contributed to elevate the royal style. The King absolutely refused to receive any committee which consisted of persons whom he had declared traitors; and though the parliament had before voted such an exception a breach of their privilege, they had now the complaisance to send a letter the next day to lord Falkland, to desire a safe-conduct for the earls of Northumberland and Pembroke, with four members of the house of Commons †. One of these being Sir John Evelyn, whom the King had excepted against in a proclamation of pardon to the county of Wilts ‡, he was omitted in the safe-conduct, with a signification that any other person, not subject to the same censure, should be received as if his name was inserted. The parliament voted this answer a denial; but faction within doors, and clamor without, so distracted their counsels, that, on the King's advance to Colnbrook, they condescended to send the persons he had named in the safe-

* This was in compliance with the King's exception to the receiving any address from the earl of Essex.

† The lord Wenman, Mr. Pierpoint, Sir John Hippefly, and Sir John Evelyn.

‡ This proclamation had come out but the day before the petition was received. Such proclamations, with exceptions had been published in all the counties which had taken up arms for the parliament.

conduct,

conduct, to petition him to fix on some place in the neighborhood of London to reside, whilst they treated with him on propositions of peace *. Anno 1642.

* One of the reasons the parliament gave the city for this their condescension, was the safety of the King's person, that having been in some hazard the last battle; and that they hoped, as he had now seen so much blood shed about him, he would be more tractable to good conditions of peace than he had been before. Mr. Pym assured the citizens, that the affections of the parliament were not more cold to the public good than they had been heretofore; and, though they did desire peace, yet a peace to betray religion and Liberty they should esteem worse than war; that, if the King received their petition, the propositions they designed to make were for the security of religion, with the hopes of reformation; the security of a Liberty which should not only exist in laws and statutes, but in practice and in execution; the security of the dignity and honor of parliament; and that their fourth care should be not to consent to any thing prejudicial to the city of London, but to maintain it in a higher degree of honor than it ever was. These propositions did not satisfy those citizens who were really in earnest on the matter of dispute subsisting between the King and the people; an application was made against the intended peace by some thousands of citizens, who coming to the house of Commons, one Mr. Shute, a merchant, in the name of the rest, after a compliment to the house on the pains they had taken for the preservation of the Protestant religion, &c. presented a petition, in which they expressed their fears that they were bought and sold, seeing, 1st. That, in a time of so much danger, there was but one army to rely on: 2d. That in all this time the King's strength lying in horse, the city should not appear in a considerable body of horse; 3d. That Windfor-castle should not be provided as it ought; 4th. That colonel Holles's regiment, men of such courage, should be exposed to a place of imminent danger, being next to the enemy's forces, and almost naked; 5th. The point of accommodation was another reason of their grief. They had come to this resolution, That they would man out every man his own man, make their own captains and officers, and live and die with the house of Commons, and in defence thereof; and, if there was any in the house of Lords who did retard or hinder the public defence, they wished they would declare themselves, and that they were with the King. 6th. Another matter of their grief was, that the Sabbath should be so long prophaned by

Anno 1642.

The King returned answer, that he should be glad to hearken to such propositions as should settle the distractions of his kingdom, to God's glory, his own honor, and the welfare and flou-

by public authority, the book which enjoins it not yet burnt by the common hangman: they observed that this day so prophaned had been the day of their ruin. 7th. The blood-shed of the martyrs, in queen Mary's days, done by act of parliament, and no expiation yet made. 8th. The officers in the army (though they must always mention my lord general with honor, as one in whom they did absolutely confide) not so careful and diligent as they ought, nor all of them so trusty. 9th. The number of the prisoners, of very great and dangerous condition, and the masters and keepers of those prisons not to be confided in. 10th. The good ministers, in times past, silenced and put out by the bishops. "You have, said the petitioners, our persons, purses, and estates, at your command; you may do with us at your pleasure."—It is easy to see by this petition, that the citizens had a just idea of those cabals and factions which at this time acted so fatally against the interest of the public; and that they had formed a very different opinion of the battle of Edgehill from what was published by the parliament, since they observed, that that Sunday on which it was fought had been the day of their ruin. Certainly every well-wisher to the Liberty of the country had great reason for the apprehensions expressed by these honest citizens, since the defence of that Liberty was at this time in the hands of many who either affected it not at all, or only affected it as it was united to their particular interest. If the jealousies which subsisted between Northumberland, Essex, and Holland, had subsided, and given way to reciprocal confidence, a peace would have been concluded with Charles on terms of safety and honor to themselves, but on a basis too narrow to support the extensive fabric of public Liberty. The citizens who brought the forementioned petition to the house, offered, in the name of the petitioners, to raise a large body of horse and foot; and the following resolutions were passed by the Commons on the occasion: That the book imposing the tolerating sports on the Sabbath-day, be forthwith burnt by the common hangman: That the house did accept the offer of the citizens for furnishing horse and foot, did account it to be a service much importing the safety of the commonwealth, and did return them hearty thanks.

Parl. Hist. vol. XII. p. 24, & seq. 33, & seq.

rishing

Anno 1642.

rishing of his people; and to that end he should reside at his own castle at Windfor, which he desired might be given up to his troops, and the parliament to withdraw their garrison. This unreasonable request, that the parliament should give up such a considerable place, merely on the hope of peace, shews on what terms the King intended to treat. The earl of Northumberland, however, prevailed with the parliament to write a letter to the King, intimating a desire for a cessation of all acts of hostility; but neither the hopes of a treaty, the complaisance of the parliament*, nor sentiment of humanity, urging the forbearance of blood†, retarded the King's advance. Excited by the counsels of his intemperate nephew, prince Rupert, and the fond expectation that every thing would give way before him, he marched forward, with an intent to seize the parliament's train of artillery at Hammer-smith; and from thence to surprize London, where he imagined his party was so great, that on the approach of his army no resistance would be made. Two regiments of foot and a small

Treachery
of the King.

* Though the King had so haughtily refused any address from the parliament's general, the earl of Essex, because he had declared him a traitor, yet the parliament, who had done the same thing by the lord Falkland, addressed him with every circumstance of civility due to his rank and office. In this address to the King they had so varied from their wonted style, that he observed, in one of his declarations, their language was more supplicatory than usual.

† The King, in his answer to the parliament's last address for peace, said, that that tenderness to avoid the destruction of his subjects, which would always make his greatest victories bitter, would make him hearken willingly to such propositions, whereby the bloody distemper of the times might be stopped, and the great distractions of the kingdom settled, to God's glory, his own honor, and the welfare and flourishing of his people. *Rushworth*, vol. V. p. 58.

Anno 1642. party of horse, lying at Brentford, opposed his passage, and almost vying in glory with the Roman Fabii, were all cut off in defence of the public, except those who were taken prisoners*. A few days before this engagement, the earl of Essex had arrived with his army at London, where, notwithstanding the coldness of his conduct, from politic motives he was received by both houses as a conqueror, presented with five thousand pounds†, and a memorial of his great and acceptable service to the commonwealth was ordered to stand on the journals of parliament, as a monument of his singular virtue to all posterity ‡.

On the news of the attack at Brentford, Essex's army was all drawn out on Turnham-Green, and joined by a numerous body of train-bands, united

* Mr. Holles's regiment, of whose lying in this place of danger the citizens had complained, were almost all cut off. They had behaved remarkably well at the battle of Edgehill. It appears, by a relation published by authority of parliament, that the King's army was guilty of enormous acts of rapine, destruction, and cruelty, on the taking Brentford. Clarendon in a manner owns the truth of this relation, by saying, that it was framed on the discourses of those sufferers who had received damages by the licence which was necessary to give to the King's troops. *Husbands's Collections*, p. 758, & seq. *Clar. Hist.* vol. II. p. 59.

† The following is a strong instance of the great complaisance the whole party paid to Essex at this time. The parliament had appointed the earl of Warwick to command the forces in and about London; Essex, indignant at this partnership, was on the point of throwing up his commission; the earl of Warwick, who at this time acted a very disinterested part, offered to resign his command; his offer was accepted, and the earl of Essex again reinstated in the supreme military command.

‡ Lenthall, the speaker, on a complaint that his fortune had been injured by so long and constant an attendance on the house, had received the same present.

to the train-bands of the adjacent counties, who, ^{Anno 1642.} with the addition of London apprentices *, formed of themselves a formidable army. They had been exercised for several months by major Skippon; who, as he led the gallant band to action, encouraged them by the following short and animating oration: "Come, my brave boys, let us pray heartily and fight heartily: I will run the same fortunes and hazards with you. Remember the cause is for God, for the defence of yourselves, your wives, and children. Come, my honest brave boys, pray heartily and fight heartily, and God will bless us." When the two parties met, Essex found himself at the head of twenty-four thousand fighting men, completely armed, besides detachments to the amount of eight thousand, with a fine train of artillery. In a council of war, it was proposed by the standing committee appointed by parliament to attend the general †, that a detachment of troops then lying at Kingston should advance to Hounslow; that two regiments of horse and four of foot, should

Whitlock,
p. 62.

* The parliament had passed an ordinance to exempt the body of apprentices from any after-prosecution from their masters, on the neglect of articles, occasioned by their attendance on the public service. This was a necessary piece of justice in favor of recruits, whose zeal for the cause and vigor of body, the fruits of temperance and sobriety, rendered them very useful auxiliaries.

† The committee for military affairs was composed of these twelve peers; viz. the earls of Essex, Peterborough, and Stamford, the lords Kimbolton, Wharton, St. John, Fielding, Hunsdon, Hastings, Brooke, Roberts, and Willoughby of Parham, with twenty-four commoners; four members of this committee were always to attend the general. Whitlock says, that they were to take subscriptions of loans, and order matters concerning malignants, and to consider the good of the army. *Parl. Hist.* vol. XI. p. 432. *Whitlock.* p. 59.

defile

Anno 1642. defile towards Acton; that, on a signal given, the general, with the main body, should advance in front, attack the royalists in front, rear, and flank; and, by one decisive stroke, put an end to the war. The earls of Essex, Northumberland, and Holland*, from different motives, opposed this salutary advice; and the committee were persuaded to acquiesce with the inclinations of the general, by two officers whose military reputation was great, but whose interest it was that the war should be continued †. Thus this promising army, after having for some time faced the enemy's horse, whilst their main body retreated to Kingston ‡, wheeled about, and returned to London; whilst Charles, after having fortified and garrisoned Reading, retired to Oxford.

The two armies meet, and retire without fighting,

The King's insincerity and perfidious dealing in the attack at Brentford, whilst the parliament,

* The earl of Holland, who had aspired to one of the chief commands in the army, and looked upon the pretensions of Essex to be infinitely inferior to his own, used his utmost efforts to dissuade Essex from attempting what would, in its consequences, add to the power and reputation of his rival. *Ludlow*, p. 21. *Clarendon*.

† Dalbier, a foreigner, who had been once a creature of Charles, but on being neglected by him had entered into the parliament's service; and Merric, who had expressed a disinclination to the cause: it was the interest of these two officers that the war should be protracted. Hamden had marched a mile, in consequence of orders given from the forementioned advice, when he was commanded back in the general's name, by Sir John Merric. *Whitlock*, p. 62.

‡ Whitlock says, that, instead of the plan being pursued which had been proposed by a council of war, which would undoubtedly have turned out advantageous, the party at Kingston were commanded to march round by London-bridge into London, and from thence to join the parliament army; whereby they came late and tired, when they were to have done service. By this movement the town of Kingston was quitted to the royalists. *Whitlock*, p. 62.

depending

depending on a treaty, had actually sent orders Anno 1642.
to their troops to forbear hostilities, had raised
such a clamor in London*, that he thought it
necessary to endeavor to clear himself from the
charge of treachery: He not only excused his
conduct, on the circumstance that no stipulations
for a cessation had been mentioned by the par-
liament's commissioners†, but even denied he
had any design upon London. This flagrant
falseness both weakened the force of his other as-
sertions, and corroborated the opinion of the
public in regard to the insincerity of his charac-
ter‡. On his sending a message to invite the

* Clarendon in a manner owns, that, if the King had
behaved with honor, a treaty favorable to his interest might
at this time have been effected by the aristocratical faction;
who looked with more jealousy on the greatness of the popu-
lar leaders, and the growing Liberty of their country, than
they had done before on the abused power of the King.
Clar. Hist. vol. II. p. 56, & seq.

† Sir Peter Killigrew, the messenger appointed to carry
the parliament's letter for a cessation, on arriving at Brent-
ford, found some of the King's army engaged with the par-
liament forces; he endeavored to reach the King by the
way of Uxbridge, but was there stopped by some of the
King's dragoons. *Parl. Hist.* vol. XII. p. 37.

‡ As Essex, for the better security of the city of London,
had ordered some works to be flung up at Brentford, and had
placed detachments of his army at Brentford, Kingston, and
Acton, the King pretended he was afraid of being surround-
ed at Colnbrook: but the forementioned disposition was
little calculated for such a purpose; and the King increased
this danger by advancing nearer London. To conceal his
design of surprising the capital, on his march to Brentford he
sent the parliament word, that he would, in that place, meet
their propositions for peace. Soon after the parliament re-
ceived this message, the noise of the engagement at Brentford
reached them. They were so enraged at the treachery, that
they treated the messenger as a spy, imprisoning both him
and his companion, a trumpeter, in the Gatehouse; and re-
turned the following answer to the King: That they thought
it a strange introduction to peace to beat them out of their

Anno 1642.
The King
endeavors in
vain to re-
sume the in-
tended trea-
ty.

parliament to resume the treaty, and to acquaint them, that, to forward it, he was determined to

quarters at Brentford, and then appoint that place to receive their propositions, which he intended not to receive till he had first tried whether he could break the army raised for the defence of the kingdom, and take the city, unprovided and secure, in expectation of a fair treaty. Clarendon endeavors to prove the necessity of the King's march by a reason not urged in the declaration published on this occasion; viz. That prince Rupert having advanced to Hounslow with the horse, without orders, found himself in danger of being surrounded by the parliament forces at Kingston, Acton, &c. and sent to the King to desire him to move forward to disengage him. This, as Rapin observes, is as frivolous a reason as any which had been urged by the King; since it would have been easier, and less dangerous, for prince Rupert to have drawn back, than for the King to march forward. The King finished his declaration with the following hypocritical observation: "We cannot but make one argument more of the truth of our profession, that this was all our end; and that we had not the least thought, by so advancing, to surprise and sack London, which the malignant party would infuse into that our city; and that is, that probably God Almighty would not have given such a blessing to our journey, as to have assisted us both by land and by water, as with less than a third part of our foot, and with the loss of but ten men, to beat two of their best regiments out of both Brentfords, for all the great advantage of their works; to kill him who commanded in chief, and to kill and drown many others; to take five hundred prisoners, more arms, eleven colors, good store of ammunition, and fifteen pieces of ordnance, whereof we sunk most which we brought not away; and then, unfought at and unoffered at, nearer than by ordnance, to march away, notwithstanding the great disadvantage of our forces by the difficulties of the passage; if He who is the searcher of all hearts, and truth itself, had not known the truth of our professions, and the innocence of our heart, and how far we were from deserving those horrid accusations of falshood and treachery, cast so point-blank upon our person, that it would amaze any man to see them suffered to be printed in our city of London, if any thing of that kind could be a wonder, after so many of the same, and how really they desire accommodation, that upon this have voted they will have none. These our reasons for this action, this our satisfaction sent for it, and this blessing
of

draw his army to an unexceptionable distance from London, a large body of zealous citizens, who had offered to raise men and horse at their own expence, exclaimed against treaties, as intended for snares; and notwithstanding all the inveterate enemies to Liberty could do in favor of Charles, with the equally-destructive counsels of its lukewarm friends, the following spirited answer was returned: That both houses did desire his majesty to come back to his parliament, not with his martial, but his royal attendance; and they should then be ready to give him assurances of such security, as should be for his honor and the safety of his person.

The strength of the parliament's army, as it had been hitherto, by the pernicious intrigues of selfish commanders, diverted from performing any real service, was a circumstance which helped to distress them. Its large and regular payments, with the necessary rewards which had been given for service *, had already exhausted the treasure

of God upon it, will, we doubt not, clear us to all indifferent persons, both of the jesuitical counsels and the personal treachery to which some have presumed so impudently to impute it; and God so bless our future actions, as we have delivered the truth." Clarendon owns, that the reason of prince Rupert's advance was, intelligence he had received from London, that if the King's army drew near, no resistance would be made. *Rushworth*, vol. V. p. 61, & seq.

* The allowance of Essex was ten pounds and that of Bedford six pounds a day. The Commons, to encourage their soldiery to repair to their colors, ordered every footman half-a-crown, and the horse five shillings, above their pay. Nor was the parliament less humane than generous; the soldiers wounded in their service were disposed in the several hospitals about London, and committees were appointed to superintend the government of the hospitals, that the patients might be provided with every thing necessary. Thus every member of each house was rendered useful, by

Anno 1642. provided for the expence of the threatened war *.
 Assessments. The parliament was now obliged to have recourse
 to the unpopular expedients of heavy assessments
 upon towns and counties †; and, by those who

having an employment allotted him which was adapted to his genius. *Parl. Hist.* vol. XII. p. 31.

* Those wealthy individuals who had with such forward zeal offered up their riches, not finding the war answer their expectation, grew backward in their advances of money.

† The expence of the war having hitherto lain on the friends of Liberty, and particularly on the citizens, who had advanced large sums on the propositions of parliament for loans; these, on an application of both houses to the same purport, desired them to consider how to raise money, in such sort that the whole charge might not lie upon the well-affected party, but that the malignants should likewise, according to their abilities, bear a share. This produced the first ordinance for an assessment, which was directed to be laid on the contributors upon the propositions for lending money, and raising horse and arms, which was not to exceed the twentieth part of their estates real and personal. The necessities of parliament, and the obstinacy of the non-contributors, occasioned several arbitrary ordinances for the enforcement of the assessment. Collectors were empowered to break open chests, trunks, boxes, doors, &c. whereby to take a distress for the sum assessed; they were empowered to receive debts, to the value of the sums assessed; and, to facilitate the discovery of debts, had authority to compound with the debtors for the same. The military were authorized to search for the refusers, and to bring them before the committee of the house of Commons for examination, who had power given them to imprison the refusers in such places of the kingdom, and for so long a space of time, as they should appoint; with an injunction, that the families of the offenders should no longer remain within the liberties of London and Westminster. The severity of this ordinance was made more intolerable by an exception in favor of the members of either house of parliament, who were only to be assessed by that house to which they belonged. No partizan of Liberty would have willingly submitted to so tyrannical an exertion of power, on other consideration than that of its being a temporary expedient, to meet with an open apparent danger, threatening determined slavery: the exception which was undoubtedly injurious, was carried in the house of Commons only by a majority of forty-three voices against forty. The King did
 not

were protected or awed by the royalists, their ordinances were ill obeyed; whilst the King, hav-

not fail to represent to the people the illegality of these enormous acts of power, which the necessity of affairs, in a manner, obliged the parliament to exert; and farther declared, that he was so far from challenging such a power himself, or from requiring a twentieth part of his subjects' estate, though for their own visible preservation, that, as he had already sold or pawned his own jewels and coined his own plate, so he was willing to sell all his own lands and houses for their relief. Though it was impossible, at this time, for the King to succeed so far in persuading the people that the public interest was connected with his private, as to enable him to exert so high an act of authority as the putting forth an ordinance for a general assessment, yet certain it is, that assessments regularly levied by military force, in all the counties where the King's power prevailed, helped to support his army: this, he pretended, was with the inhabitants' consent, because that having gained a few leading men of the county, they resolved that such a sum should be given; and this donation, from men who had no right in law or equity over the property of their fellow-countrymen, was called by the King the consent of the inhabitants. These assessments, Clarendon says, were all by the power and interest of prince Rupert, assigned to the maintenance of the horse. The expence of the several garrisons, and the whole body of foot, which amounted to three thousand pounds weekly, and the King's private expences, were supported, all the winter, by voluntary contributions, out of the private and public purse of the university of Oxford, and the loan of other individuals, the King drawing considerable sums from London, notwithstanding the strict watch kept by the parliament. It may be discovered, from the King's proclamation for the better governing his army, and against the plundering, spoiling, and robbing, which they were notoriously guilty of, that he assumed and exerted, on occasions, a power equal to this exerted by the parliament. "We have thought fit to publish and declare (says the proclamation) our royal pleasure to be, that from henceforth no officer, soldier of horse or foot, or party sent from our army, presume to search for or seize upon any money, plate, goods, or household-stuff, belonging to any of our subjects, of what condition soever, without our express warrant for the same, under our sign-manual, declaring the cause of such seizure." In lord Fairfax's account of the condition of the northern

Anno 1642. ing the greater part of the landed interest in his favor, and the proprietors engaged in military service, his troops were in some measure maintained at the expence of the officers *. Charles, by his connections, having a full intelligence of the difficulties his enemies had to struggle with, reproached the parliament in bitter terms for their last message: " They were yet governed, he said, by a malignant party, of whom he had often complained. He upbraided them with the rebellious actions of the army which had been

parts, he tells the parliament, that the earl of Newcastle had seized upon Leeds, where he had plundered the well-affected, and raised a very great sum of money out of those whom they could draw to compound for their securities: that he proceeded in raising money by all the illegal and oppressive ways which could be devised; and both by commission of array, and by presses made in the churches, raised all the men he could. This account, with the cry of the whole kingdom, not immediately protected by the power of the parliament, against the plunder, rapines, and exactions committed by the King's army, ill agree with his accusation of the parliament, and his professions on this head; so obviously contradictory to his conduct, that one would imagine they were assertions for after-times to rely on, rather than to serve a present purpose. It was only to the enemies of the parliament, that their assessments were arbitrary: their friends willingly assented to them, as voluntary contributions. The parliament defended their arbitrary assessments, on the urgent principles of self-defence, the depriving an enemy of the means to take from them that which is the most dear to generous minds, their Liberty; and it is certain, that, if the King did not challenge a power of assessment, he exerted it wherever it was in his power. *Parl. Hist.* vol. XII. p. 64, & *seq.* 111, & *seq.* *Rushworth*, vol. V. p. 67, & *seq.* *Clar. Hist.* vol. II. p. 67.

* The property of the King's troop of life-guards, composed of noblemen and gentlemen, were, according to Clarendon, at least equal to that of all the Lords and Commons who remained at Westminster. The upper house, at this time, was reduced to fifteen or sixteen members; and the number which composed the lower house was infinitely inferior to the legal proportion.

raised

raised under pretence of orders of both houses : Anno 1642.
 he talked of it as an unpardonable insolence to invite him to London whilst their army continued there ; but as he did not impute the affront to both his houses of parliament, nor to the major part present in those assemblies, so he would not, for his good subjects' sake, and out of the most tender sense of their miseries, take advantage of it : But if the parliament would really pursue the course they seemed by their petition at Colnbrook to be inclined to, he should make good all he then promised*. Before the receipt of this answer, the parliament had been made acquainted with the designs and strength of the party, by an intercepted letter from the Hague, directed to secretary Nicholas, and supposed to come from colonel Goring†. Besides the disco-

Strength of
the royal
party.

* The King had never promised any particulars.

† It gave intelligence, that the defection of the navy would have given the King a dangerous blow, had it not been supported by the reputation of his success at land, which had so raised his credit, that the prince of Orange had advanced all the sums expected ; viz. forty thousand pounds already embarked : that a great business in agitation would, when concluded, bring sixty thousand pounds more : that twenty thousand foot-arms, besides garrison-arms, near two thousand horse-arms, and twenty pieces of cannon were sent before the queen, who was to bring with her waggons, and all accommodations, to march with very considerable officers, among whom were general King, designed for lieutenant-general : that ten thousand foot and one thousand five hundred horse had been sent from Denmark ; and every thing proportionable, to the very drums and halberds, conveyed with two good men of war, bringing an ambassador to his Majesty, a person of great quality in Denmark, of whom it was desired, that care might be taken that he might be nobly treated : for the entire neglect of the last was so much resented by the king of Denmark, that it had like to have frustrated all expectations in that court, had not Cockrain very handsomely evaded it : that the King's party in Holland had great apprehensions, lest he had entered farther into a

Anno 1642. very of this foreign assistance, expected by the King, the forces his party had now collected

treaty than they had been advertised of, or could well approve: that they believed, according to their intelligence, that if the King had approached London, without making too long stay on the way, the matter would have been determined: that some of the King's horse might be well spared, and sent into Kent, to countenance a very affectionate and considerable party there: that, but for the unhappy interception of the last week's letters, the queen, with her party, would have been on the other side London, in Norfolk and Essex: that, in that case, having all the kingdom behind them, on every side, the King's army would have been better able to have subsisted without the town than they within: that, if they could once get foot, they should collect the four hundred thousand pounds subsidies universally throughout the kingdom; which would make the King's army subsist, and wear out the enemy's: that what was expected from Denmark and France were encouragements not to admit any treaties but upon terms of great advantage and honor to his Majesty.

Notwithstanding the King's solemn asseveration, that no extremity should ever tempt him to make use of foreign troops against his subjects; and his assertion, that no one could think him so mad as to attempt so dangerous an expedient as to make use of foreign force, he had actually sent Cockrain to demand assistance of men, money, arms, and ships, from the king of Denmark; with instructions to inform that monarch of the state of his affairs in England, which had rendered it difficult for him to apply to foreign treaty for suppressing the design of his rebellious subjects, lest it should bring scandal on him, and draw away universally the hearts of his people: that he had now great encouragement by the exceeding numbers of gentry who resorted to him: that the states of Holland had condescended to give her majesty the queen a convoy of the greatest part of their fleet, now at sea, for her return into England: that he expected and hoped, that his neighbor princes and allies would not look upon so dangerous a precedent to their own crowns and monarchies, without contributing to suppress the design of the rebels. Cockrain, to excite the king of Denmark to comply with the King's demand, was to inform him, that it had been publicly moved in the house of Commons to interpose in the accommodation of the Dutch, and to set out a fleet to take away his customs of the Sound: that they had searched, visited, and detained divers of his ships, to the great

were by no means despicable : The earl of New-
 castle had associated the northern counties *, and
 with the Papists of those parts, of which his
 army was for the most part composed, had raised
 a body of eight thousand men † ; whilst the earl

Anno 1642.
 Army of Pa-
 pists and ma-
 lignants, un-
 der the earl
 of Newcast-
 le, infest the
 North.

great prejudice of the Norway trade ; and that they did pre-
 pare force against others, whom they permitted not to water,
 nor any other accommodation, being bound for the West-
 Indies, and put in by stress of weather into the West of
 England : they had attempted to lay a great blemish on his
 Danish majesty's family, endeavoring to illegitimate all de-
 rived from his sister ; which their most detestable and scanda-
 lous design they had pursued, examining witnesses, and cen-
 suring circumstances and times, to color their pretensions ;
 and which as his sacred majesty of England, in the true sense
 of honor of his mother, did abhor and would punish, so he
 expected his Danish majesty's concurrence in vindicating a
 sister of such happy memory, and by whom so near an union,
 and continued league of amity and friendship, had been
 produced between the two kingdoms. Though it does not
 appear, that there was any real foundation for the assertion
 concerning the Danish traders ; and it would have been a
 piece of ill policy in the parliament, to use such unnecessary
 severity ; nor for the second assertion, concerning a formal
 enquiry into the conduct of the late queen Anne of Denmark ;
 yet it is likely, that the people in general, to whom the licence
 of speaking truth was now allowed, were free in their censures
 of the King's mother, whose want of chastity is hinted at by
 several authors, and many particulars mentioned by Sir
 Robert Peyton, a servant of James's court. There are like-
 wise, in the advocates' Library at Edinburgh, anecdotes pre-
 served, which more than render dubious the conjugal fidelity
 of this princess.

Four hundred thousand pounds had been granted this par-
 liament, for the relief of Ireland, and the payment of the
 national debt, which had not yet been levied.

* The bishopric of Durham, with the counties of Nor-
 thumberland, Cumberland, and Westmorland.

† In a declaration the two houses of parliament had pub-
 lished the day before the battle, shewing, that the King had
 refused their petition for peace, and was so engaged to the
 Popish party, that all hopes of peace were excluded, they
 assert, That though the King endeavored to keep off suspi-
 cions, by fearful oaths and imprecations, concerning his
 purpose

Anno 1642. of Cumberland, whom Charles, by the desire of his friends in Yorkshire, had left in the principal command over that country, found himself

purpose of maintaining the Protestant religion; and that great numbers of the Papists themselves, by the encouragement of their priests, had in shew conformed themselves; yet his majesty being now grown stronger, and able, as he conceived; to make good his end by arms, his confidence in that party did fully appear: persons imprisoned for priests and Jesuits had been released out of the gaol of Lancaster; professed Papists had been invited to take up arms; commissions, under his majesty's authority, had been granted to many of them, for places of command in the war [here the declaration mentions fourteen]; that divers forces were raised and paid by the earl of Worcester; that his son, the lord Herbert, was made general of all South-Wales; that Papists were armed and employed in the North of England, and advised and consulted with; that men had been sent to Hamburg and Denmark, to raise forces there, and to bring them over to join with the earl of Newcastle, and the army of Papists which was intended to be raised in Newcastle; that the King had received in his court Papists convicted in Ireland of high-treason; and that Jesuits and priests in foreign parts had made great collections of money for the relief of the Papists in Ireland, and the farthering his majesty's designs against the parliament. The King, in two declarations, one of which he published before, and the other after the battle of Edgehill, positively denied the truth of these assertions, grounding his denial of the release of the Jesuits out of Lancaster gaol on the subterfuge, that they had not been yet convicted as such; but on what pretence he denied the other, is not so easily to be discerned. In his turn he accused the parliament of employing Popish officers and soldiers, in great numbers; of using industry to corrupt their loyalty, even to the assuring them that the penal laws in their disfavor should be repealed. The two houses treated with great contempt the King's accusation; and, to prove its absurdity, alleged those instances of severity they had shewn the Papists, publishing, at the same time, a list of Popish officers, who had commissions under the King's hand, with a petition presented to him by the Popish recusants of the county of Lancaster, whilst he was yet at Shrewsbury, for leave to provide arms for his service; and his answer, granting the request.

strong enough to adventure the proclaiming the chief adherents of the parliament traitors *. Anno 1642.

* This was returned in a severe declaration of the lord Fairfax, which drew from the earl of Newcastle a justification at length, out of which are taken the following specimens of this nobleman's genius: " You charge me, says he, with having invaded the county of York; an insolent and presumptuous challenge! Can the King's forces be said to make an invasion in his own dominions? They who take the sword (without lawful calling) shall perish by the sword; and he who sheddeth man's blood, without a commission from the King of Heaven, who only hath original power over the lives of his creatures (and no multitude of men in the world, collective or representative), by man shall his blood be shed. The supreme magistrate is God's vicegerent, and beareth not the sword in vain; but those who presume to use the sword, and can derive no power from him, it were meet for them to make their account betimes with God, lest they die in the state of murderers, both of themselves and others: my case is clear different from theirs; there may be treason against the King, there can be none against them; there may be forfeiture of estates to him, there can be none to them. The King may raise arms, and levy a just war; whatsoever they do, in that kind, is void, by the law of nations." In another vindication of himself, for employing Popish recusants, he cites the example of heathen emperors and Christian potentates, who employed in their service those who were of different faith from themselves; and says, the point is not of their religion, but whether they could be trusted in point of fidelity and allegiance? This language speaks very plainly the principles of the party; but however convincing the arguments might be to the earl of Newcastle, they must have served in the present juncture rather to rouse and irritate, than to calm and allay, the fears and jealousies of the people. The parliament is again taxed by this nobleman with having great numbers of Papists in their army; but these were general accusations, without any attempt at a proof; since neither the King, the earl of Newcastle, nor the earl of Clarendon, who has the same assertion in his history, name one single Catholic employed by the parliament, who, on their side, produced lists of Popish officers in the King's service, with their several qualities and employs. The Papists might rationally expect benefit from serving the King; but their principles, both civil and religious, were at this time so opposite to those asserted by the parliament, that it is not probable

Anno 1642.
Parliament
forces under
the lord
Fairfax.

Encounter.

The lord Fairfax had received a commission to command the parliament's forces * in these parts; but was too weak to prevent the earl of Newcastle from forcing his way to York †: He was received there in great triumph by Sir Thomas Glemham, whom Charles had appointed governor under the earl of Cumberland ‡; but, in an encounter at Tadcaster, he was worsted by the lord Fairfax, whose valiant son, Sir Thomas Fairfax, attacked and stormed several places in the possession of the royalists: among the chief of these was Leeds, which contained five hundred soldiers of the King's party. Sir Hugh Cholmondeley, another parliament commander, beat

bable they could have been prevailed on to fight for their authority. *Rushworth.*

* The parliament's party in Yorkshire had been drawn into a convention of neutrality by the royalists, who having sent away several regiments of horse and foot to the King, wanted to secure themselves from the excursions of the garrison at Hull and Pomfret castle. This convention, therefore, being obviously to the advantage of the enemy, was broken by the authority of parliament. According to Clarendon, if the parliament had at first appointed a commander in chief, to unite their forces in this county, or if the pride and jealousy of Sir John Hotham had not prevented him from seconding and assisting lord Fairfax, all Yorkshire had been absolutely subjected to their authority.

† The southern parts of Yorkshire were for the King; the northern parts, to the borders of Scotland, for the parliament.

‡ On the earl of Newcastle's arrival in Yorkshire, with three thousand foot and seven hundred horse, the earl of Cumberland resigned to him the command; and King, who, with Goring, was come over from Holland, was appointed lieutenant-general of his army, and Goring general of the horse. The parliament complained that the King, in his commission to govern the northern counties, affected to erect a provincial government in the North, clearly against the common law, and the judgment given in parliament for the taking away the court of York. *Clar. Hist.* vol. II. p. 108. *Parl. Hist.* vol. XI. p. 391.

the

the enemy at Gisborough, whilst the earl of New-
castle took Bradford by storm. The parliament
followed the example which had been set by the
earl of Newcastle, and began to associate those
counties where their party prevailed. Those
most eminently affected to them were the midland
ones *: They had smarted most by prosecutions
for ship-money; and, by their nearer neighbor-
hood to the capital, had been more under the
lash of the Star-chamber and council-board ty-
ranny than the remoter parts of the kingdom,
such as Wales, Cornwall, Lancashire, Cheshire,
and Cumberland; places much infested with Pa-
pists, and where, property being very unequally
divided, the nobility and gentry of large for-
tunes, who were most of them tainted with arbi-
trary principles, civil and ecclesiastic, had great
weight. In these counties the greater part of the
inhabitants, except the traders, declared for the
King †. Nantwich in Cheshire and Manchester
in Lancashire, two great mercantile towns, af-

Counties af-
sociated by
the parlia-
ment.

* Norfolk, Suffolk, Cambridge and Ely were associated under the lord Grey of Werk. *Whitlock*, p. 63.

† In the midland counties, the King, by the injudicious conduct of the lord Say, had preserved to himself Oxford; and the earl of Essex's want of spirit and activity occasioned Banbury and Reading to fall into his hands: he garrisoned these towns, with Wallingford, a place of importance within eight miles of Oxford, and Brill on the edge of Buckinghamshire; and thus commanded all Oxfordshire entire, and a great part of Berkshire, Brill and Banbury giving him some influence on Buckinghamshire and Northamptonshire. After his return to Oxford, his troops took Marlborough in Wiltshire, within twenty miles of Oxford, a town well affected to the parliament, and lately garrisoned; and which making a brave defence, was almost all burnt in the action; it afforded great pillage to the enemy, who indiscriminately plundered friends and foes. *Clar. Hist.* vol. II. p. 63, & seq.

ferted

Anno 1642. ferted the authority of parliament*; Northampton in Northamptonshire, and Coventry, and Killingworth in Warwickshire, were garrisoned by the two houses; the lord Grey, son to the earl of Stamford, was master of Leicester†; Sir John Gell fortified Derby against the King; and the shires of Derby, Stafford, and Leicester, joined in an association, under the lord Brook, one of the greatest partizans of Liberty this generous age produced.

Notwithstanding these advantages, the cause of Freedom was, in this hostile controversy, in too dangerous a state for the parliament not to desire a peace on any terms which could give a rational security for the preservation of the constitution, as improved and explained by the acts which had passed this session. Torn by factions among themselves, and dreading the improvement of the King's force by the arrival of the queen, who

* These advantages proceeded from the inactivity of the earl of Derby, to whom the King had given a commission to command in these two counties, but without leaving other force than his interest and authority; "For, says Clarendon, as a great part of Lancashire consisted of Papists, it was confidently believed that there was not one man of ten, throughout the county, who meant not to be dutiful and loyal to the King." The same author tells us, that so hard was the King's condition, that though he knew his small success in Lancashire proceeded from the want of conduct, and a vigorous and expert commander, yet he thought it not safe to make any alteration, lest the earl should manifest what he could do against him, though he could do little for him: however, the lord Capel being sent with a commission of lieutenant-general over Shropshire, Cheshire, and North-Wales, which had joined in an association for the King, the parliament's friends were prevented from sending assistance to the lord Fairfax. *Clarendon's History*, vol. II. p. 112, & seq.

† The lord Grey received some opposition in Leicestershire from colonel Hastings, younger son to the earl of Huntingdon. *Clar. Hist.* vol. II. p. 113.

was

was daily expected with a large supply of money, arms, and ammunition, the two houses, according to the King's invitation from Reading, made another application to him for peace. The lord-mayor, aldermen, and common-council of London had joined in a petition, to invite the King back to the parliament; but as the desire of the city, expressed in this petition, was, that Charles should not come as a conqueror, at the head of a rapacious insolent army, but that disuniting himself from those who wished ill to the peace and Liberty of the country, he should put himself on the affections of the parliament and city, it was rejected with a higher degree of haughtiness and disdain than had been a petition of the like nature from the parliament*. After a general profession, that he never entertained any misapprehension of the loyalty of the city of London, he represented all the irregular acts which provocation, policy, and necessity, had occasioned in this metropolis; as outrages of so tremendous a nature, that they called down the immediate vengeance of God, unless the city would purge itself of guilt, by delivering up to him their pretended lord-mayor, and other leaders, whom he had particularly marked as traitors in his proclamations†; he graciously offered pardon to the rest, and to give

Applica-
tions to the
King for
peace.

* A petition of a different nature from this was, by the King's party in the city, presented to the upper house for a peace: the Commons had rejected it, as having been procured by undue means; and the lord-mayor, aldermen, and common-council protested against it. "They had, they said, damned it by a public act; and did desire, that when hereafter any petition came to parliament, in the name of the city of London, and was not attested by the hand of the town-clerk, it might be rejected, and not esteemed as a petition from the city. *Parl. Hist.* vol. XII. p. 103.

† Ven, Foulke, and Manwaring,

them

Anno 1642. them the honor of his presence, when they should put themselves in a proper posture to receive him; with a warning, that whosoever should hence-forward contribute, by the payment of tonnage and poundage, or any other tax, on what pretence of authority soever, to the maintenance of the army under the command of the earl of Essex, must expect the severest punishment the law could inflict; and, in the mean time, that his majesty would seize upon any part of his estate within his power; and, since he denied to his majesty the duty and benefit of his subjection, his majesty would deny to him the benefit of his protection, and should signify to his foreign ministers, that such person should receive no advantage from being his subject. On the rhetoric of this answer, so entirely in the style of a conqueror, to a city powerful like London, and fruitful of resources, did Charles so much depend, that, when he delivered it to that committce of aldermen who presented him the petition, he told them, it was his expresse command that it should be read publicly at a common-hall, and before the people *. The lord-mayor did not hesitate to obey, in this particular, the royal injunction, having obtained the consent of both houses, who appointed a committee of Lords and Commons to be present when the King's answer was read,

Rushworth,
vol. V. p.
113.

* The King was so earnest on this point, that, lest his answer should be suppressed by the committee, he sent it by one captain Heron, whose father, Sir Edward Heron, high-sheriff of Lincolnshire, having been voted a delinquent, for executing the commission of array, the young man shewed a great unwillingness to render himself noxious to the party, and refused, till he was much pressed by the lord-mayor and the committee, to read the King's answer, intimating that his commission was only to deliver his letter to the lord-mayor. *Parl. Hist.* vol. XII. p. 122, & seq.

in a full assembly of people. Mr. Pym, by direction of parliament, in a long speech acknowledged the generous magnanimous conduct of the city, and their steady adherence to the principles of Liberty: he avowed, that all those actions with which they had been reproached by the King had been done in obedience to the commands of parliament: he vindicated those commands, and shewed that the King's answer was a libel, stuffed with scandalous, injurious assertions on the two respectable bodies of parliament and city*: On the threatening part of the answer, he said, that the danger arising from these ill councils which influencend the King, could not be kept off but by the power of arms; and that the Lords and Commons were so far from being

* On the King's assertion, That he was driven by tumults out of the city, Mr. Pym remembered the company of the King's going the day after his attempt to seize the members into the city, without a guard; and his residing divers days at Whitehall, Hampton-Court, and Windsor, without any attempt which could give him apprehension of fear: On his accusing the two houses of destroying the property of the subject, by taking away the twentieth part by an arbitrary power, Mr. Pym observed, that there was little reason for this objection on his majesty's behalf, when it was well known, that from the subjects who were within the power of his army he did take the full yearly value of their lands, and in some cases more; that not only particular houses, but whole towns, had been plundered by command and design; and that by proclamations men were declared to forfeit all their estates, because they would not obey arbitrary commands: To the King's declaration, that he expected to be kept from tumults and affronts, Mr. Pym observed, that his majesty's expressions, in his answer, tending to the making a division in the city, and to the raising a party which might make disturbances in the orderly government now established in it, would be more prejudicial to his quiet abode in London than any thing which had ever been acted by the houses of parliament, or the present governors of the city.

Anno 1642. frightened by his menaces, that they had declared a farther contribution towards the maintenance of the army; and hoped for the continuance of the good affections of the city; and that they would add, to what they had already done, some farther contributions towards the support of those forces maintained for their safety.

The severe and spirited animadversions which fell from Mr. Pym were received with so general an applause, followed by a cheerful declaration that the citizens would live and die with the two houses of parliament*, that the King, who expected his party in London would have been enabled to exert themselves powerfully on the occasion, full of rage and disappointment, sent an angry declaration to the sheriffs of London, in which he required the master and wardens of the several companies to summon their members; and to read, in their several halls, his fore-mentioned answer and this declaration, in

* Clarendon, contrary to the sense of a previous observation, that the humors of the people, when obstructed, break out with the greater violence, supposes this not to be the effect of inclination, but restraint. In the printed account of this business it is said, that after the King's answer had been read once on the Hustings, and then in the Clock-house, an inconsiderable company, near the door, made some offers towards an acclamation; but finding no expected echo to answer their shout, they wound up in a little modesty and a great deal of silence: That, at the end of every period of Mr. Pym's speech, the applause was so great, that he was fain to rest till silence was again made; and when, at the close of his speech, he desired the citizens to declare, that they would protect those of their members who had been demanded by the King, these words were no sooner uttered than followed a loud and continual acclamation, which resolved itself into the more articulate and distinct sound, "We will live and die with them; we will live and die with them." *Parl. Hist.* vol. XII. p. 127, & seq. *Clar. Hist.* vol. II. p. 83, 89.

which

which he tells the citizens not to look upon Isaac Pennington as their lord-mayor, and directs the sheriffs to commit him, with the aldermen Ven, Foulke, and Manwaring, to safe custody. As the King thus endeavored to excite the people to rise against their magistrates, and to produce a scene of confusion which should facilitate his triumphant entry, the parliament, fearing the strength and activity of his party, commanded the sheriffs not to assemble at their halls, according to the King's order; and as he had declared to the committee of aldermen, that he would send messengers to observe the carriage of the city; and, by private agents sent to London, kept a constant correspondence with his party, the two houses made a declaration, that all persons coming from the King's quarters to London, without a safe-conduct, should be treated as spies. At the same time an order passed, that no carriers or waggoners should be permitted to go to Oxford, or elsewhere, without special licence from the parliament.

Though the King's late conduct carried symptoms little favorable to the success of the determined application, yet the two houses wrote to the King for a safe-conduct for commissioners they had appointed to carry to him propositions of peace: and, when a safe-conduct was peremptorily refused to the lord Say, one of the nominated commissioners, on the same pretence on which Sir John Evelyn had been before refused, so strong was the party in parliament for a treaty, that, sacrificing the most important punctilios *

* Punctilios of such obvious consequence, that, had the parliament abided by the resolution of not admitting the King's objection, and on this particular admittance had been refused to their commissioners, the public must have been convinced of the King's ill intention.

Anno 1642. to an ardent desire of peace, the two houses, on the King's objection, submitted to nominate the earl of Pembroke, in the room of lord Say*. In the propositions now offered to the King, the parliament had abated of the rigor of their former demands, insisting upon nothing which was not, in the present situation of things, necessary to the preservation of the constitution†, excepting that episcopacy should be utterly abolished,

* The commissioners who carried the propositions for peace were, the earls of Northumberland, Pembroke, Salisbury, and Holland; the viscounts Wenman and Dungarvan; Sir John Holland, Sir William Litton, Pierpoint, Whitlock, Waller, and Winwood. Lord Say, after the example of Sir John Evelyn, had desired that the Lords would dispense with his service as commissioner, that the treaty might not be interrupted. The Lords conceiving, as they said, that the precedent trenched on the essential proceeding of parliament, left it freely to lord Say, either to go or stay, as he should think proper. *Parl. Hist.* vol. XII. p. 187.

† It is difficult to determine what terms, in the present situation of affairs, could have secured the freedom of the constitution, or rescued it from being totally destroyed by a faction naturally attached to the most noxious prerogatives of the crown; and now, by the opposition they had met with, rendered acrimonious against popular powers. If this faction had upon a treaty regained their legislative privilege, a majority of parliament would have been formed for the King, which, in all probability would not only have reinstated him, but strengthened his former prerogatives, to prevent, for the future, their being invaded by popular powers. A sentiment of this kind was flung out by the King himself to the parliament's commissioners for a treaty: If he had as much inclination, as he had more right to fears and jealousies than the parliament, he might with more reason, he said, have insisted on an addition of power, as a security to enable him to keep his forts when he had them; (since it appeared it was not so great, but that they had been able to take them from him), than they to make any difficulty to restore them to him in the same case they were before. *Clar. Hist.* vol. II. p. 171.

and that ecclesiastical controversies should be determined by their assembly of divines *. Anno 1642

* In the preamble to the propositions, the parliament declare their fears and dangers continued and increased, by the raising, drawing together, and arming great numbers of Papists, under the command of the earl of Newcastle; likewise by the making the lord Herbert of Ragland, and other known Papists, the commanders of great forces, whereby many grievous oppressions, rapines, and cruelties, had been and were daily exercised on the estates and properties of the subject. The propositions were as follow:

That the armies, on both sides, be disbanded; and the King return to the parliament.

That delinquents be left to a legal trial and judgment of parliament.

That Papists be disarmed.

That the royal assent be given to the following bills:—
For taking away superstitious innovations.—For the utter abolishing and taking away archbishops, bishops, deans, &c.
—Against scandalous ministers, against pluralities.—
For consultation to be had with godly, religious, and learned divines; and that his majesty be pleased to promise to pass such other bills for the settling the church-government, as, upon consultation with the assembly of the said divines, shall be resolved by both houses of parliament.

That an oath be established, by act of parliament, for the better and speedier conviction of recusants: and that his majesty be pleased to consent to,—I. A bill for the education of the children of Papists by Protestants.—II. A bill for the true levying the penalties against recusants; and that the penalties be levied in such manner as both houses of parliament shall agree on.—III. A bill whereby the practice of Papists against the state may be prevented.

That the earl of Bristol and the lord Herbert be removed from his majesty's council and court; and that they may not bear office or employment concerning the state and commonwealth.

That the militia be settled in such a manner as shall be agreed on by both houses.

That such persons as have been put out of the commission of peace, Oyer and Terminer, or from being Custodes Rotulorum, since the first day of April, 1642, other than such as were put out by desire of parliament, may be restored; and such persons put out of those commissions and offices as shall be excepted against by both houses of parliament.

Anno 1642.

Whether the eager desire of peace which possessed the major part of the parliament, and par-

That a bill be passed to vindicate and secure the privileges of parliament from the ill consequence of the late precedent, in the proceedings against the lord Kimbolton and the five members of the house of Commons.

That the royal assent be given unto such acts as shall be advised by both houses of parliament, for satisfying the debts and damages whereby they have engaged the public faith of the kingdom.

That a strict alliance be entered into with the states of the United Provinces, and other states of the Protestant religion.

That all offences committed before the tenth of January, 1641, which have or shall be questioned in parliament before the tenth of January, 1643, shall be excepted out of the general pardon; which offences shall nevertheless be taken and adjudged to be fully discharged, against all inferior courts; That there shall be an exception of offences committed by any persons who have had an hand in the Irish rebellion; and an exception of William earl of Newcastle, and George lord Digby.

That his majesty be pleased to restore such members of parliament as have been put out of place since the beginning of parliament, that they may receive satisfaction and reparation for those places; and that all others may be restored to their offices and employments, who have been put out of the same, upon any displeasure conceived against them, for obeying the commands of parliament, or for any occasion arising from the difference between his majesty and the parliament.

That Sir John Brampton be appointed chief justice of the court of King's Bench, William Lenthall, Esq. master of the Rolls, Mr. Serjeant Wild chief-baron of the court of Exchequer; Mr. Serjeant Rolle and Atkins justices of the King's Bench, Mr. Serjeant Pheasant one of the justices of the court of Common-Pleas, Mr. Serjeant Cresswell, Brown, and Paleston, barons of the Exchequer; and that the lord-chief-justice Banks, Mr. Justice Bacon, Reeves, Foster, be continued in their offices; and that all the judges of the several courts hold their places *quamdieu se bene gesserint*.

Brampton, on pretence that he stood bound by recognizance to attend the parliament, on an accusation against him, having excused himself from sitting on a commission of Oyer and Terminer to attain the earl of Essex, and others,

ticularly the upper house, had deceived them into an opinion that Charles was sincere when he professed an inclination to close the scene of blood; whether they had a meaner opinion of the strength of his party than was entertained at the councils at Oxford; whether this negotiation was only set on foot to convince their party that there was a necessity to supply the expence of the war in a manner which should enable them to prosecute it with more vigor than it had been hitherto carried on; whether the popular leaders gave way to the importunities of those who clamored for a treaty, on purpose to expose to the public the height of the King's pretensions *: whether one

others, of high-treason, had been removed from his office, and Heath appointed chief-justice in his stead; but that the supple Banks, that infamous tool of power, who had asserted such treasonable arguments against the privilege of the people, in defence of the right of the crown to taxation, should be in the list of the judges to be continued, does little honor to the parliament. On the consideration of the propositions of peace to be sent to the King, a vote having passed the upper house, that those only who had been impeached before the first of January last should be proceeded against in parliament, the peers Warwick, Peterborough, Manchester, Say and Seal, Wharton, Bolingbroke, Willoughby of Parham, Brooke, and Grey de Werk, for the following reasons entered their protests: "Because we conceive it improper for this house to move the house of Commons, in the stopping of their proceedings by impeachments; and that it doth not only give encouragement to a king to attempt the like stoppage of justice by force, and from this precedent to stand upon the protesting of persons impeached, but to subjects also, who may be induced to undertake any thing, in hope of impunity, even from the desires of this house, which hath not demanded any one of those to be left to trial, who, since his majesty's going to York, have been impeached of high-treason for actual levying war against the King and kingdom." *Parl. Hist.* vol. XII. p. 103, & seq. 147, & seq.

* What were the pretensions of the King and his party may be discovered from lord Bristol's speech, on the occasion

Anno 1642. of these causes, or all of them together, co-operated to produce the present negotiation, cannot

fion of the parliament's propositions for peace : Is it fit for a King, says he, to beg peace of his subjects ? for the regal authority, the immediate figure of Heaven, and the deity on earth, to descend from its supreme height, and, as it were, to derive its power from a subordinate power derived from its bounty ? That were to invert and viciate the course of nature, to enforce the cause to give place to its effect, the sun to acknowledge his all-quickenng heat and light emergent from the terrestrial fires, created, as it were, and issuing from his influence. In Spain, where the long time I resided as ambassador afforded me privilege to be well acquainted with the state of that kingdom, in no age or record can scarcely be found mention of intestine and civil wars, till these very years, when all the world labors with dissentions : the reason is, because they are truly subjects, and the sovereign truly a sovereign ; and since the state here will neither be so to the King, nor suffer the King to be so to them, my reason tells me they should be compelled to it. It is no dishonor to subjects to condescend to any propositions to their King, but it is an excessive declension and diminution to his Majesty's royalty to submit himself to his subjects. My opinion therefore is, with all humility to his majesty, That he neither propound to the parliament, nor receive from them, any condition of peace, but such as shall absolutely comply with the regal dignity and prerogative which God and succession have allowed him, and such as may be no way prejudicial to us or our estates. We have an army on foot ; a braver the sun never shone on ; an army who by force can compel that which fair words cannot effect." The earl of Dorset, it is said, in a speech in which he reprimanded the earl of Bristol for recommending the Spanish government as an example to be followed in England, urged the advantages of peace, and a speedy accommodation with the parliament ; but there were many of the king's counsellors, and those about his person, whose opinions and inclinations were as malignant as the earl of Bristol. These had devoured, in their expectations, the estates and properties of the party in opposition, as the just reward of their attachment to the crown ; and breathing the sentiments and inclinations of Charles, were the persons the most trusted, and the most consulted by him, in all his transactions with the parliament. Among the chief of these was Mr. Hyde, afterwards earl of Clarendon, a great favorite of the King,

be determined. Certain it is, those who built any hopes on the success of it were very much disappointed; for the King stily insisted on the re-establishment of the crown in all its powers and prerogatives. After magnifying his grace and condescension in admitting of a treaty on the parliament's propositions, he agreed, that these, with the following ones, should be together discussed by persons appointed for this purpose by himself and the two houses: That his majesty's own revenue, magazines, towns, forts, and ships, which have been taken from him by force, be forthwith restored: That whatsoever hath been done, or published, contrary to the known laws of the

in whose conduct may be traced the same inclinations as possessed the earl of Bristol, and whose writings are full of the same doctrine as is contained in his speech: this nobleman is consequently characterized by him as a man of parts and wisdom. Whitlock, one of the parliament commissioners, says, that after they had debated some point of the treaty with the King till midnight, and had, at length, come to a conclusion, he would the next morning tell them he had altered his mind, and that the paper he now gave them was the answer he was resolved to make on their last debate. Whitlock says, there were of his party of whom they enquired concerning this passage, who told them, that after the commissioners and the King's council were gone from him, some of his bed-chamber, and they went higher (the princes Rupert and Maurice), hearing from him what answer he had promised, and doubting it would tend to such an issue of the treaty as they did not wish, they being rather for the continuance of the war, never left pressing him till they had persuaded him to change his former resolution, and to give order for his answer to be drawn as it was received. The King's council who attended him at this time at Oxford were, the lord Littleton, the duke of Richmond, the marquis of Hertford, the earls of Southampton, Dorset, Leicester, Bristol, Newcastle, Berkshire, the lords Dunsmore, Seymor, Saville, Falkland, Sir John Colepeper, Sir John Banks, secretary Nicholas, and Hyde, lately appointed chancellor of the exchequer. *Rusborough, Clar. Hist. Whitlock.*

land,

Anno 1642. land, or derogatory to his majesty's legal and known power, be renounced and recalled, that no seed may remain for the like to spring out for the future : That whatsoever illegal power hath been claimed and exercised by or over his subjects, by the authority of both or either houses of parliament, be disclaimed ; and all such persons so committed be forthwith discharged : That as his majesty will readily consent (having done so heretofore) to the execution of all laws already made, and to any good acts to be made, for suppressing Popery, and for the firm settling the Protestant religion, now established by law ; so he desires that a good bill may be framed, for the better preserving the book of Common-Prayer from the scorn and violence of Brownists, Anabaptists, and other sectaries, with such clauses for the care of tender consciences as his majesty hath formerly offered * : That all such persons as, upon the treaty, shall be excepted out of the general pardon, shall be tried *per pares*, according to the usual course and known laws of the land : And, to the intent that this treaty may not suffer interruption by any intervening accident, that a cessation of arms and free trade for all his majesty's subjects, may be first agreed on. Haughty as were the style of these propositions, the two houses condescended to appoint commissioners to treat with the King on the joint propositions ; with an assent to a cessation, under certain limitations and restrictions, necessary to prevent the ruin of their affairs. After much controversy on both sides, in which Charles endeavored to outwit the com-

Fruitless
treaty at
Oxford.

* The King had never made any offer of this kind but in general terms.

missioners,

missioners *, he sent a message, to the following purport, to the parliament: That as soon as they

Anno 1642.

* The King having again excepted against the lord Say, the commissioners sent to treat of the joint propositions for peace and the articles of cessation were, the earl of Northumberland, Mr. Pierpoint, Sir William Armin, Sir John Holland, and Mr. Whitlock; but the two houses not being entirely satisfied concerning the integrity and ability of their commissioners, strictly tied them up to the words of their propositions, without allowing them to dissent in any particular. Thirteen days having been spent in useless controversy concerning the articles of cessation, the two houses, in the following reasons for rejecting the addition made to their articles, gave the King to understand, that they saw plainly he endeavored, by amusing them with the hopes of peace, to draw them into concessions on which he might prosecute the war with superior advantages. "If we should grant such a free trade as your majesty desires, say they, it would be very difficult, if not impossible, to keep arms and ammunition, money and bullion, from passing into your majesty's army. As liberty in trade, in the utmost extent which can be safely granted, is permitted by the two houses in time of war, your majesty, in pressing this for the peoples' good, doth therein desire that which will be very little beneficial to the subject, but exceedingly advantageous to your majesty, in supplying your army with many necessaries, making your quarters a staple for such commodities as may be vested in the adjacent counties, and thus enable the inhabitants better to support by loans and contributions your army; whilst the army raised by the Lords and Commons can have no return of commodities and supplies which may be useful for them. They conceive, that, in a treaty for a cessation, those demands cannot be thought reasonable which are not indifferent, that is, equally advantageous to both parties. As they have given no interruption to the trade of the kingdom but in relation to the supply of the contrary army, which the reason of war requires, so they beseech your majesty to consider, whether your soldiers have not robbed the carriers in several parts, where there hath been such reason, and your ships taken many ships, to the great damage not only of the merchants, but of the whole kingdom? and whether your majesty hath not endeavored, by your ministers of state, to embark the merchants goods in foreign ports, which hath been in some measure executed upon the eastland merchants in Denmark; and is a course which will diminish the wealth

of

Anno 1642. had satisfied him in his first proposition, concerning his revenue, magazines, ships, and forts;

of the kingdom, violate the law of nations, make other princes arbiters of the difference between your majesty and your people, break the intercourse between this and other states, and bring us into dissensions with all the neighbor nations?

“ To demand the approving the commanders of ships, is to desire the strength of the opponent before the difference be ended, against all rules of treaty; and to make a cessation at sea would leave the kingdom naked to those foreign forces, and open for such supplies of arms and ammunition as the parliament have cause to believe have been solicited against them; but for conveying forces from one part to another, they shall observe the articles of cessation by which that is restrained.

“ As for the expressions of ‘ The army raised by the parliament,’ they are contented it should be altered thus, ‘ Raised by both houses of parliament,’ as not desiring to differ upon words; but to give any conclusive power, in this case, to the committee, upon such differences as may arise wherein the houses have given no express direction, is neither safe for the committee to undertake, nor fit for the two houses to grant.

“ It must be acknowledged, that the nature of war is incompatible with the ordinary rules of a peaceable government: your majesty would have them commit none but according to the known laws of the land; whereby they conceive your majesty understands, by the ordinary process of law; which being granted, it will follow, that no man must be committed by them for supplying your majesty with arms, powder, and ammunition; for, by the law of the land, the subject may carry such goods from London, or any other place, to Oxford. The soldiers must not be committed, if they run from their colors, and refuse any duty in the army. No man shall be committed for not submitting to necessary supplies of money. It cannot be thought reasonable, that, under the disguise of a cessation, they should admit that which will necessarily produce the dissolving their army, and destruction of their cause.

“ It seems not probable, that your majesty doth intend that if any be taken with supplies for our army, or mutinying in your own, such persons shall not be committed, but according to the known laws of the land; that is, by process of law; but rather, that your majesty will so interpret this limitation of known laws, that though it lays straight bonds
upon

restored all the members of both houses to the same capacity of sitting and voting in parliament, Anno 1642.

upon both houses, yet it leaves your generals as much at liberty as before: for it hath been denied by your majesty, that these known laws give any power to the two houses of parliament to raise arms; and so consequently their generals cannot exercise martial-law in these cases; and it is not unlikely but that it will be affirmed, that the generals constituted by your majesty's commission have that power by the same known laws; so that this article, under the specious shew of Liberty, would altogether disable them to defend their liberties and laws, and would produce to your majesty an absolute victory and submission, under pretence of a cessation and treaty.

“Being by necessity inevitably enforced to a defensive war, in this unhappy breach between your majesty and them; and that they are therein warranted by the laws of God and man; it must needs follow, that by the same laws they are enabled to raise means to support that war; and therefore, till it shall please God to incline your majesty to afford them such a peace as may secure them, they cannot relinquish the power of laying taxes upon those who ought to join with them in that defence: but if your majesty shall consent to disband the armies, the cause of the war being taken away, the consequences will likewise be removed, and the subjects restored to the benefit of those laws which the necessity of arms hath in such cases suspended.

“The clause in the third article, left out, implied a freedom of passage and communication of quarters; which is contrary to the nature of a cessation, whereby matters should be preserved in the state they are (and neither party have liberty so much to advantage himself as it is evident your majesty might do if your forces in the North and West might join with those of Oxford, and bring thither those supplies of treasure and arms which were brought out of Holland), or at least it should be so indifferent as to give a proportionable advantage on the other side, which this does not: for the forces under the power of both houses are so disposed, that they have an easy passage from one to the other; but your majesty's forces are severed the one from the other, by many large counties, strong passes, and competent armies; and if they had admitted this clause, they had bereaved themselves of one of the greatest advantages, and freed your majesty's party of one of the greatest inconveniencies, which your majesty or they have in the war.

“For

Anno 1642. as they had the first of January 1641; and adjourned the parliament to some other place, at

“ For the reasons already alleged, they cannot agree with the alterations and enlargements of the cessation propounded, or to transfer any such power to the committees, of treating, debating, and agreeing upon those articles, in any other manner than the houses have directed. But, that a fair and speedy passage may be opened to a secure and happy peace, they have enabled their committees to hear and debate upon the two propositions concerning your majesty’s own revenue, the delivery of your towns, castles, magazines, and ships, and the disbanding the armies; which being agreed upon, a present peace and security will follow, and the treaty upon the other propositions be facilitated, without fear of interruption by the confusion of war, or exasperation of either party by the bloody effects thereof.”

As these arguments were too forcible not to have weight with the people, the King, fearing that a total refusal of the cessation, as proposed by the parliament, would render him odious to the people, offered to accept their conditions provided he might not be understood, he said, to consent to any of those unjust and illegal powers which they exercised over his subjects: but from henceforward the houses declined any farther argument and debate concerning the cessation, and directed their committee to expedite the treaty upon the propositions.

It is plain the King only assented to a treaty with a view to ensnare the two houses into a concession which should put his military affairs into a better posture, and to endeavor to persuade the people that he was not averse to peace on reasonable conditions; but with a determination not to recede from those terms which he knew would enable him to give the law for the future. It must be owned that in these futile arts, calculated to deceive the vulgar, Charles was a great master; but having to do with adversaries well acquainted with his character and designs, and fully equal to the task they had undertaken, he but entangled himself in his cobweb snares, and convinced the parliament that those conditions must be rigorous indeed with which, with safety to the commonwealth, they could restore so intriguing a spirit to the exercise of royalty. Clarendon says, that though there was a party at Oxford for a cessation, yet most of the King’s counsellors, and many persons who had given great life to his affairs, were absolutely against it; and the consideration of the northern forces, and the restraining them within their
old

least twenty miles from London; his majesty Anno 1642.
 would then most chearfully and readily consent that both armies be immediately disbanded, and give a present meeting to both his houses of parliament; he being confident that, upon a free debate in a full and peaceable convention of parliament, such provision will be made against seditious preaching and printing against his majesty and the established laws; such care taken concerning his legal and known rights, and the property and liberty of the subject; that whatever hath been done by any illegal authority of both houses, and particularly the power to raise arms without his majesty's consent, will be in such a manner recalled, disclaimed, and provided against, that no seed will remain for the like to spring out of it for the future, to disturb the peace of the kingdom. The King promises, in such a convention, to consent to whatever should be proposed by bill for the real good of his subjects, and particularly for the better discovery and speedier conviction of recusants, for the education of the children of Papists by Protestants, for the prevention of practices of Papists against the state, and the due execution of the laws and true levying of the penalties against them*.

old quarters, who seemed to be in a condition of marching up to London itself, prevailed very far with the King. *Rusworth. Clarendon's History.*

* The King himself thought these conditions as beneficial to his schemes as a carte blanche, and that the convention required would be the mere engine of his pleasure, and lay a more solid foundation for legal despotism in the crown than could be established on other grounds. Would he have mentioned the laying on greater restrictions on the Papists, from whom he had condescended to receive high obligations, and who on this account had a right to expect a return of favor, had he not been persuaded that he should have had influence enough in such a convention to make their protection the
act

Anno 1642. Whether he thought his forces strong enough to make an absolute conquest of the kingdom;

act of the assembly; or that a discretionary power to suspend law would be more fully and firmly established in the crown than it had ever been; or, at least, that opposition to the will of the crown would be rendered very difficult or impossible? That he knew this was obvious enough for the Papists to understand, that he knew they were too well acquainted with his inclinations and the power of the queen, to fear his deserting or neglecting them, is plain, or he would not have ventured by such a declaration to disgust a body of men on whom his present and future fortunes so much depended. The King knew he could depend upon his friends, and thought the efficacy of the words *parliament*, *established laws*, and *legal rights*, would deceive his adversaries into acquiescence. "If this offer, says he, is not consented to (in which I ask nothing for which there is not apparent justice on my side, and in which I defer many things highly concerning both myself and people till a full and peaceable convention of parliament, which in justice I might now require), I am confident it will then appear to all the world not only who is most desirous of peace, and whose fault it is that both armies are not now disbanded, but who have been the true and first cause that this peace was ever interrupted, or those armies raised; and the beginning or continuance of the war, and the destruction and desolation of this poor kingdom, will not, by the most interested, passionate, or prejudiced person, be imputed to me." Some very sensible objections had been made in the lower house against entering into a treaty before the two armies were disbanded, viz. That the Papists and malignants now about the King would effectually hinder such a peace as should interrupt their designs. That it would not be safe for the King to yield to such propositions as should be for the suppressing Papists and malignants, his person being in their power; nor yet so safe for the kingdom, whilst arms were in their hands, and so great a party in Ireland and foreign states to encourage and assist them. That whilst the armies were on foot, upon every difference in the treaty both sides might be provoked, with more animosity and bitterness, to refer matters to the bloody trial of the sword. That it would be more honorable for the King, and more safe for the people, that the propositions should be yielded after the disbanding than before: his majesty would be freed from the imputation of granting any thing by force, which might both trench upon his honor and weaken the validity
of

whether he thought his party in London (who Anno 1642 were continually entering into cabals to destroy the authority of the parliament, would be able to force a concession to these unreasonable demands; or whether in this business he was wholly directed by some about him, who affected the spoil of the party in opposition; it is certain, that he was obstinately fixed on sending this message, the parliament's commissioners having in vain used many arguments to dissuade him from

of the things granted; and both houses be free from that tax of unparliamentary proceedings implied in his majesty's answer, of requiring new laws by arms.

Notwithstanding the validity of these reasons, the Lords did not think fit to accede to them; and on the continuation of the debates in the lower house, it was carried, by a majority of eighty-six against eighty-three, to enter upon the treaty before disbanding: but on the manner of the King's treating with the commissioners, they afterwards received instructions to insist on the disbanding the two armies. The King, to gain time, wanted to enter into the proposition of his return; but was told, that the two houses conceived his answer to be in effect a denial, unless they departed from all those cautions and limitations contained in their reply to his first proposition; and if they had not inserted their desire of his majesty's return in their committee's instructions, it was because they conceived the disbanding the armies would facilitate his resolution therein. At this juncture, so strong were the inclinations of the upper house, and of many members of the lower house, to procure peace, that it is probable, had the King less presumed on the power of his arms, he might, notwithstanding the opposition of the men of discernment, have procured conditions from the parliament almost as favorable to his purposes as those he could have gained by the sword. "For the propositions, says Sir Benjamin Rudyard, I have not known or heard that all the propositions in any treaty of importance were ever swallowed whole: if some be harsh and rough, they may be wrought and suppld by wise treaties, made fit for acceptable agreement; if others be unpalatable, they may be totally rejected. Those which are our unquestionable rights may be so claimed and held." *Parl. Hist.* vol. XII. p. 164, & seq. p. 223.

Anno 1642. it, and told him, that it would put an immediate end to the treaty. Though there were many in both houses of parliament, who, from a desire of curbing the growing power of the people, wished that every prerogative might remain with the crown, which was compatible with their own safety, yet the King's high style convinced even these, that negociation, without the prosecution of successful arms, would very little contribute to the desired end *. On the receipt of the King's message, both houses resolved to recall their commissioners, and positive orders were sent for their immediate return †.

The queen's
return.

During these transactions, the queen, accompanied by Jermyn and other of her favorites, landed at Burlington-Bay. She brought with her a considerable quantity of arms and ammunition, and some money ‡, having hardly escaped

* What were the expectations of the royalists on the subject of peace may be gathered from Clarendon, who observes, that if a cessation had been concluded, it would not only have effectually hindered the recruit of the earl of Essex's army, but have lessened his present forces; since those who were engaged to the parliament by pay only, would abandon a party which they must foresee on a peace would be condemned, though it might be secure; they were the same expectations which, no doubt, kept the jarring factions in parliament steady to the point of opposition. *Clar. Hist.* vol. II. p. 130.

† The propositions of peace were sent to the King on the twenty-eighth of January, the articles of cessation on the twenty-eighth of February; the treaty commenced on the fourth of March, and lasted till the fifteenth of April.

‡ The queen, by the interest of her son-in-law the prince of Orange, having procured in Holland many officers, arms, and ammunition, the two houses, in September 1642, sent one Walter Stricland as their agent, to complain to the States of this treatment, and to procure intelligence of what assistance the queen had gained, and what schemes were carrying on against them. Stricland delivered in a memorial, in which the two houses, after stating the conditions of the quarrel between them and their prince, put the states in mind of the support they had had from England when they lay under the oppressions of their sovereigns: " They could not

the vigilance of Batten, the vice-admiral of the parliament's fleet, who followed her into the Bay; Anno 1642.

think, they said, that they would be forward to help to make that people slaves, who had been assistant in making them free-men; or that they would forget that their dangers were mutual, and issued from the same fountain; and that those who were set to work to undermine religion and Liberty in England, were the same who by open force had attempted the like in the Low-Countries." They remembered them, that the two houses had shewn an earnest inclination to a national love and amity with the United Provinces, by petitioning the King that they might be joined with them in a more straight league and union; and desired, for these respects, that they would not contribute to their troubles. Stricland was neglected for some time; but the States, not caring to engage in an open alliance with either party, returned answer to the parliament, " That they would expressly forbid the transportation of any arms or warlike ammunition into England, and would gladly employ their mediation to put an end to it's troubles." This promise was so little adhered to, that during the winter several English officers and soldiers in the service of the States came over to join the royal party; and one King, a Scot, who had been a general in their army, brought over ordnance and ammunition. The parliament re-urged, on principles of gratitude and mutual safety, their claim of friendship from the States, but in vain. They granted to the queen one of their men of war for a convoy, and a passport so large and general, that by virtue of it she could transport into England, what quantity of troops, arms, and ammunition, she pleased: but, however, to prevent an entire rupture with the parliament, they stopped one vessel in her train, laden with ammunition. This produced a protestation from the queen, in which, in very high terms, she threatened the States with the consequence of violating the league between them and the King. Clarendon says, that Stricland hindered the States from giving the least countenance to the King's cause, and so corrupted the English in that army and court, that there was nothing designed to advance it by the prince of Orange himself (who with great generosity supplied the King with arms and ammunition to a considerable value), or by the private dexterity of particular persons out of their own fortunes, or by the sale or pawning of jewels, but intelligence was given soon enough to the parliament either to get stops and seizure upon it, by order of the States, or to intercept the supply by their navy at sea. Clarendon is very apt to exaggerate the circumstances he relates: The States-General refused Stricland audience at

Anno 1642. and shooting at the small vessels which were landing the ammunition, some of the bullets reached the house where she lodged, and obliged

first; and, after having heard him, and received his declaration by deputed commissioners, they laid it aside unanswered; till Stricland at length gaining some ground with the States of the province of Holland, whose trade was more open to interruption, they arrested some vessels laden with ammunition, which were intended to be sent for England, and stopped several soldiers who were to be brought over by one captain Lloyd; and prevailing with the States of the province of Zealand to enter into a neutrality with the King and parliament, the States-General at length deigned to take notice of the parliament's memorial, but never seized but one of the King's vessels: and many English and Scots in the Dutch service, not being well acquainted with the King's character and conduct, were much inclined to his cause, and disaffected to the parliament. Clarendon says, that the parliament had agents in France and Brussels which did them great service against the King; that foreign princes either fomented the disturbances in his kingdom, or looked on unconcerned. The truth is, Charles had personally offended almost all the great potentates of Europe; who for this reason interfered no farther in his quarrel than as it respected the Catholic cause, which they supplied by sending arms, men, and money, to the Irish rebels; and that these supplies were not sufficiently large to destroy the Protestant interest in the British empire, was fortunately owing to these powers being engaged in wars with one another on the continent of Germany. Clarendon is so angry with a conduct which prevented his own country from being conquered by foreign force, that he represents it as a breach of God's ordinance; who having created the function of kings as an order of men by themselves, to be tried only within his own jurisdiction, and before his own tribunal, enjoins them by rules of policy to assist in the suppression of resistance to monarchy, in whatever kingdom it happens. The objections to the fantastical notion of Kings being an order of God's special appointing, and specially exempted by him from earthly jurisdiction, are too obvious to be here inserted; and for that part of the observation which relates to policy, perhaps a conduct which would effectually shew mankind that right justice and the happiness of the whole species were rendered subordinate to the interests of a few individuals, would the most naturally lead to the total extinction of the function of kingship itself!

her

her to remove to a more secure habitation *. Anno 1642.
 After the queen's arrival, the King's affairs in the North grew every day more prosperous : numbers of Roman-Catholics enlisted themselves under the banners of their patroness, and, when united to the forces collected under the earl of Newcastle, made so formidable a body, that lord Fairfax was obliged to quit Selby, Cawwood, and Tadcaster, and keep on the defensive in Pomfret and Hallifax †. Two regiments of militia raised in Richmondshire and Cleveland had, on the earl of Newcastle's entering into Yorkshire, dissolved of themselves. He had garrisoned Newark in Nottinghamshire, which prevented the lord Fairfax's receiving assistance from the parliament's party in Lincolnshire. A detachment of his forces under the command of Mr. Cavendish took the town of Grantham in this county, with three hundred prisoners, arms, and ammunition ; and Sir Hugh Cholmondely delivered up, Scarborough-castle to the queen. In

Strength of
the royal
party in the
North.

* Clarendon observes, that the parliament took no notice of this barbarous and treasonable act ; that many believed it was pleasing to, if not commanded by them ; and that if the ships had encountered at sea, they would have left no hazard unrun to have destroyed her majesty. Certainly Clarendon is so far right in his conjecture, that the parliament, on motives of prudence and consistence with the principles on which they professed to act, would, had they met with, have attacked an enemy who was bringing over forces to invade the country. *Clar. Hist.* vol. II. p. 109.

† Fairfax's account of the state of the northern counties tells the parliament, that the enemy was mighty and master of the field, plentifully supplied from his majesty and the Popish and malignant party with money and all other necessities ; that the well affected party, as it was now divided, was not considerable, the aid from Lincolnshire, Derbyshire, and other counties, very uncertain, and the want of money such as would force him to disband in ten days. *Parl. Hist.* vol. XII. p. 96, & seq.

Anno 1642. the West, which in the beginning of the contest had been totally subjected to the parliament, a revolution had happened in favor of the royalists. The marquis of Hertford, by a very superior force under the earl of Bedford, had been driven out of Devonshire into Wales, whilst Sir Ralph Hopton, Sir John Berkley, colonel Ashburnham, and other active royalists, whom Charles had sent into those parts to assist Hertford, retired into Cornwall. Bedford, who had made a very ill figure in his military capacity, thinking his conquest complete, left this party, consisting of one hundred horse and fifty dragoons, to be suppressed by a committee of parliament and the militia of the county of Devon. At the quarter-sessions of the county of Cornwall, the committee caused a presentment to be drawn against these men, as coming armed into the county against the peace; but so entirely inclined were the affections of the Cornish gentry on the side of prerogative*, that, on Sir Ralph Hopton's producing the King's commission to the marquis of Hertford, constituting him general of the West, and the marquis's commission to himself, appointing him general of his horse, the grand-jury, which consisted of the gentlemen of the greatest fortunes in the county, acquitted Sir Ralph Hopton and his companions; acknowledged themselves much indebted to the King, for the care he had shewn of their safety; and professed, that they were ready to join with the adventurers in any hazard of life and fortune. On an indictment being preferred against Sir Alexander Carew, Sir Richard Buller, and the rest of the committee, it was found by

* Clarendon says, that a great veneration for the book of Common-Prayer, and a jealousy that the parliament designed to alter it, were in these counties an advancement of the King's interest. *Clar. Hist.* vol. II. p. 98.

the jury ; and an order of sessions granted to the high-sheriff (a person devoted to the King) for dispersing a body of militia assembled with the committee of Launceston. A large body of train-bands being assembled on this order, they were put under the command of Sir Ralph Hopton, who marching immediately to Launceston, Sir George Chudleigh, who had appeared very active for the militia, but in his heart was disaffected to the cause *, retreated before him, though accompanied with five or six full troops of horse ; and the committee, not finding themselves strong enough to stand the attack, quitted the town, and retired into Devonshire. The train-bands having performed this service, pleaded their privilege, that they could not legally be carried out of the county, without their consent : the officers though very unwilling, were obliged to admit the plea † ; and marching to Saltash, from whence they drove a garrison of two hundred Scots, they dismissed these troops, whose tenacious regard to law rendered them useless in the business of extending their conquests. Sir Ralph Hopton ‡,

The King's
success in
Cornwall.

* As Sir George Chudleigh behaved treacherously to his trust, and as his treachery was a great means of the prosperity of the King's affairs in the West, Clarendon allows he was a gentleman of good fortune and reputation, though he had been active for the militia.

† “ How grievous soever this doctrine was discerned to be, says Clarendon, yet no man durst presume so far upon the temper of that people, as to object policy or necessity to the notions of law.” It must be observed, that this author is extremely tenacious of the laws, when they assist the pretensions of his party ; but very much displeased with the tenacity of others, when an adherence to law happens to be prejudicial to the cause in hand. *Clarendon's Hist.* vol. II. p. 99.

‡ Sir Ralph Hopton had been a warm advocate for the power and privileges of parliament, but having been imprisoned by the authority of this assembly, for shewing some

ANNO 1642. Sir Beville Grenville, Sir Nicholas Slanning, Trevannion, and Arundel, were zealous enough to raise and arm, at their own charge, a body of foot, of near fifteen hundred men: with these they not only preserved the entire conquest of Cornwall, but made successful incursions into Devonshire. The fame of these exploits gave such an alarm to the parliament, that they ordered Ruthen, a Scotchman, the governor of Plymouth, and the earl of Stamford, to put themselves at the head of all their forces in Dorsetshire, Somersetshire, and Devonshire; and to subdue Sir Ralph Hopton, and his party, before they made any farther progress. On the advance of Ruthen, who was followed by another considerable body of men, under the command of the earl of Stamford, Hopton and his party retired to Bodmin, where they had summoned the train-bands of the county, who, on the fame of this invasion, attended them in considerable numbers. Ruthen, emulous of enjoying, without a rival, the reputation of giving a total defeat to the enemy, hastened to an action; a circumstance which, with more reason, was equally desired by the royalists. Instead of a victory, of which Ruthen had thought himself secure, he met with a total defeat, on a place called Bradoc-Downs, with the loss of twelve hundred and fifty prisoners, his colors, artillery, and arms; and flying with a few broken troops to Saltash, from thence escaped, almost alone, with some difficulty, to Plymouth, leaving his ordnance, with a ship of four hundred tons he had brought to defend this town, behind him *. Stamford

petulance in his dissent to one of their remonstrances, he turned a yet more zealous partizan of the King.

* Seventy prisoners fell into the hands of the enemy.

having

having not forces sufficient to engage Hopton's Anno 1642. victorious band, retired with precipitation, and distributed his troops into Plymouth and Exeter. After this service, the Cornish train-bands, according to their usual custom, disbanded; and the royalists, being want of two essential articles, money and powder*, were constrained to enter into a convention of neutrality with the parliamentary party in Devonshire.

The northern and western counties were not the only parts of the kingdom in which the balance began to turn in favor of the King; the marquis of Hertford, having raised in Wales a body of two thousand foot, and one regiment of horse, had, in his way to Oxford attempted, though in vain, to surprize Cirencester, a town in Gloucestershire, which being situated on the edge of Wiltshire, Berkshire, and Oxfordshire, very much straitened and incommoded the King's quarters; and, from this circumstance, being an object of importance to both parties, was strongly garrisoned by the parliament, and again attempted by prince Rupert. The town being taken by storm, a whole regiment of the parliament forces was put to the sword, and eleven hundred prisoners fell into the hands of the enemy, with four thousand stands of arms and the whole magazine. The conquest of this town extended the King's quarters from Oxford to Worcester, the two counties of Hertfordshire and Worcestershire having been left free to the enemy,

Cirencester
taken by the
royalists.

* Clarendon says, that captain Carteret, the late comptroller of the navy, who, in the beginning of the contest, had transported himself into Jersey, as if sent by Providence, now came into Cornwall, to raise a troop of horse for the King's service; and, on the desire of the party, returned into France, from whence he undertook to supply them with a sufficient quantity of powder *Clar. Hist.* vol. II. p. 104.

Anno 1642. on the earl of Stamford's removal to the West.

The rapacity and profligacy of the King's army, with the cruelty which prevailed in the councils at Oxford, in some measure rendered this important conquest an incident disadvantageous to the King. The gentry of fortune in these parts having retired to Cirencester with their effects *, the town afforded much plunder : this was so indiscriminately seized by the soldiers, that many men who had been imprisoned by the garrison, for being notoriously disaffected to the parliament, found in the success of their party their liberty and their ruin together †.

Clarendon's
Hist. vol. II.
P. 97.

The fame of the plunder of this town, with the great disorders and excesses which the King's army had, from the beginning of the war, committed in their marches and quarters, determined many to act against him who had at first endeavored to preserve a neutrality ; and the disreputation which the cause of prerogative incurred from these incidents, was much increased by the treatment of the prisoners taken at Cirencester ‡. These unfortunate captives, many of them being wounded, were stripped almost naked, tied together with cords ; and in this condition driven along with whips to Oxford, where they were exposed to the insults of the King and court,

Whitlock,
p. 64.
Cruelty of
the royalists.

* It was, in the beginning of the war, thought impregnable by any force the King would be able to raise.

† One John Plot, a zealous royalist lawyer, found, on his return to his house, that it had been plundered of one thousand two hundred pounds, one penny of which he could never recover.

‡ The spirits of the party being raised by the present unexpected appearance of their affairs, Charles now flung off the counterfeit character of candor and humanity, which his necessity had obliged him to adopt.

who

who made themselves merry with their misery *. Anno 1642.
 A plot to deliver up the city of Bristol to the King, was discovered by Nathaniel Fiennes, the governor, and the principal persons concerned in it were executed †. The earl of Worcester and

* Whitlock says, that a proper handsome young man of spirit, whose skin, where it could be seen for the blood which trickled down his wounds, appeared remarkably delicate, not being able to walk on account of his weak condition, was for this reason put on the bare back of an horse; on which, though his wounds gaped wide, and his body was in a manner covered with blood, he sat upright with an undaunted countenance. On his coming near the King, a brawling woman, to make her court, cried out, "Oh, you traitorly rogue, you are well enough served!" To this brutal insult the spirited youth returned a scornful look, and crying, "You base whore!" dropped down dead. *Whitlock*, p. 64.

† These were Yeomans and Boucher. To Yeomans, the last year's sheriff, the King had sent a commission to raise forces, and appoint what commanders he thought proper. Yeomans, on this authority, joined with Boucher to form a plot to seize the city for the King; several other inhabitants entered into the design, but it was discovered the very night it was to have been executed. On the parliament's sending down a commission to proceed against the conspirators by martial law, the King wrote to Fiennes, the governor, that he would retaliate on the prisoners in his hands. Fiennes returned a spirited and sensible reply, in which, having observed on the difference between prisoners of war, and spies and conspirators, he shewed that the parliament had in their hands prisoners enough to make reprisals. This reply of Fiennes produced a letter from the King to the mayor and aldermen of Bristol, commanding them and the other inhabitants to rise against the governor and garrison, and set the convicts free. This mandate little profited Yeomans and Boucher, who were executed according to their sentence; nor did the King think fit to realize his threat on his prisoners, some of whom, viz. captain John Lilbourn, Clifton, Catesby, and Robert Vivers, had before narrowly escaped his vengeance; a sentence of death having been passed upon them by Sir Robert Heath, by virtue of the King's commission of Oyer and Terminer to try his opponents for high-treason: but the parliament declared, that, were it put in execution, they would upon this, or any

Anno 1462.

Successes of
the parlia-
ment.

his son the lord Herbert, two Papists, who, on the authority of commissions they had received from the King in the * beginning of the war, had raised in Wales fifteen hundred foot and near five hundred horse, after some little success, attempted to take Gloucester; but Sir William Waller, an officer of rank in Essex's army, with a party of light-horse and dragoons, to the number of two thousand, after taking Winchester † and Chichester ‡, made a rapid march through Wiltshire, seized Malmesbury by the way, a small garrison of the King's, and advanced to Gloucester, where he surprized the lord Herbert's Welch forces, which had blockaded this city; and being seconded by a brisk sally from the town, gave them a total defeat, killed five hundred on the spot, and took one thousand prisoners. From Gloucester he proceeded to the city

any other such occasion, inflict the like fate on the prisoners in their power. This exertion of the parliament preserved their friends from the violence intended them; but captain Robert Ludlow (the hopeful son of that zealous partizan of Liberty Sir Henry Ludlow, who had engaged every member of his family in the cause) died of the ill usage he received from the enemy. *Ludlow's Memoirs*, p. 32.

* They were appointed to the government of South-Wales. Clarendon observes on these commissions, that it was to be hoped the prejudices which had been against the house of Worcester, and the Popish religion professed there, would have been composed by the public-heartedness of those who, for the cause and conscience-sake, would, it was hoped, sacrifice all trivial and private contentions to an union which must vindicate the religion, honor, and justice of the kingdom. *Clar. Hist.* vol. II. p. 118.

† In this town was taken prisoner the lord Grandison, with twenty-four officers of inferior rank, seven hundred private soldiers, six hundred officers, and six hundred arms.

‡ The townsmen were so disaffected to the cause, that the garrison was obliged to surrender after a siege of a little more than a week, on no better conditions than quarter. *Clar. Hist.* vol. II. p. 96.

of

of Hereford, where the fame of his victory had Anno 1642.
fo terrified colonel Price, the governor, that he
furrendered on the first fummons. The town of
Tewksbury was equally compliant; but Waller,
having intelligence that prince Maurice, with a
large party of horfe, was on his way to fight
him, contented himself with fending the foldiers
and the confiderable men out of the towns he
had taken, prifoners to Bristol; neither placing
garrifons in his new conquelts, nor fitting down
before Worcester, which had refused him admit-
tance, but returned to Glocefter, and from
thence rejoined Effex's army.

The advantage the public caufe had gained
from the active genius of Waller, was more than
balanced by a lofs at this time received in Staf-
fordfhire. The clofe of the cathedral of Litch-
field, which had been erected by one of its bi-
fhops, being capable of making a good defence
by its natural advantages and the fortifications
which had been made round it, was feized for
the King by a party of royalifts. To fupprefs
this growing faction within the limits of his af-
fociation, Robert Greville lord Brooke put him-
self at the head of a body of horfe and foot,
drawn from the earl of Effex's army and the
garrifons of Warwick and Coventry, which were
joined to an additional power Sir John Gell had
brought from Derby. With thefe, after he had
feized a magazine of the King's at Northampton,
and from Stratford upon Avon had beat a de-
tachment of his forces under the colonels Croker
and Wagftaff, he advanced to Litchfield; which
city, being unfortified, was abandoned by the
the royalifts, who retired into the Clofe. The
general, too carelefs of his fafety, lodged in a
houfe within musket-shot of the Clofe; and in
his

Anno 1642. his chamber, the day he meant to assault it, whilst he was concerting dispositions for the siege, the window being open, a musket-shot from the wall of the Close, by the hand of a private soldier, took him in the left eye, and killed him on the spot. Thus the fatal aim of a common hireling deprived the nation of an eminent citizen; whose every action of public life, flowing from the two affections of fixed aversion to despotism and an ardent love for Liberty, carried the tinct of a brilliant patriotism. He acquired his barony (being next heir, on whom the succession was fixed) on the demise of Sir Fulke Greville, who was created lord Brooke by king James. His breeding was at Cambridge, where he made so great a progress in letters, that even those who hated him for his political conduct, allowed that his learning was considerable for his rank *. His natural good sense and generosity

Death and
character of
the lord
Brooke.

Wood's
Athenæ
Oxonienſes.

* He wrote and published the following pieces: The Nature of Truth; its Union and Unity with the Soul, which is one in its Essence, Faculties, Acts, one with Truth. Lond. 1640. 12mo. A Discourse opening the Nature of Episcopacy as exercised in England. Lond. 1641. 4to. Anthony Wood says, that lord Brooke was assisted in this work by some puritanical ministers: Milton commends it for breathing the spirit of toleration; which, as Mr. Walpole observes, in his History of Noble Authors, was not the spirit of the Puritans. There are four speeches published which were supposed to be spoken by lord Brooke; two in the Guildhall in London, concerning the King's refusal of a treaty of peace; one at the election of his captains and commanders, at Warwick-castle; and an answer to the speech of Philip earl of Pembroke concerning accommodation, in the house of Lords, December the 19th, 1642. The three first speeches are genuine; but this last, which breathes a spirit of acrimony foreign to the gentle nature of lord Brooke, is spurious. Clarendon, in his own Life, published in 1761, confesses with triumph that the speech was written by himself, and published in lord Brooke's name, to make this nobleman odious. Such were the employments of

of mind, enlarged by science, occasioned him to view the slavery into which his country was fallen in its true colors; and the warmth of his feelings made him resent it so strongly, that he not only chose to forego the trifling advantages of rank among a set of fellow-slaves, but the sweets of living in his own country, to find a retreat among the savages of America. An exertion of tyranny, fatal to its authors, prevented him from putting this design in practice *. The oppressions of the court at length rousing a spirit of opposition, the lord Brooke had the resolution to refuse the King to enter into an engagement which he proposed to the peers at York, of professions of adherence to him, and abhorrence of the Scots, who were termed rebels. The lord Brooke was one of the most active members in the upper house, in all the patriot measures pursued by the parliament in 1640. When the ordinance for the militia took place, he was appointed lieutenant of Warwick-

of the King's counsellors, and such the low arts practised at Oxford. Clarendon farther tells us, that it was lord Pembroke's vanity which prevented this speech from being disclaimed by authority; for many specious arguments for an accommodation having been put in Pembroke's speech, it gained him such applause from the populace, that he opposed an intended motion of lord Brooke to the upper house, for the burning the publication by the hands of the hangman, the earl of Portland, (a disguised Papist, who had attended parliament on purpose to do the King service, and who was the agent in this business) having occasioned it to be printed in such a manner, that where the earl of Pembroke's speech ended on one side the leaf, the lord Brooke's began on the other side. *Clar. Life*, vol. I. p. 136, & seq.

* Brooke, Haslerig, Cromwell, Hamden, who engaged with such spirit and success against the tyranny of the crown and mitre in England, could have done them little mischief in America.

shire,

Anno 1642.

shire, accepted of a colonelship in the militia, and, soon after the commencement of the war, was nominated to the command of the associated counties of Leicester, Stafford, and Derby. In this office he exerted the utmost spirit and gallantry, till the fatal hardness of a courage which discarded prudence deprived his country of the double advantages they derived from his spirited counsels in the senate, and his intrepid conduct in the field. Nor was his death only a public loss; his mild, affable, humane, and civilized manners, with all the train of virtues which adorn private life *, rendered the siege of Litchfield-Close an incident of continual regret and mourning to his numerous friends. As his opposition to the King was directed by the conviction of his judgment and conscience, it is said, that in his prayers he asked of God, that, if the cause he was engaged in was not right, he might be cut off. Happening to repeat this token of his sincerity on the day he died, it furnished triumph to the royal party, who, according to the

* The royalists being obliged to own (or having nothing to object against) the virtues of lord Brooke, suppose that, if he had lived longer, he would have seen what they term his errors, and deserted his party. Clarendon in this point differs from his brethren, and observes, he was undoubtedly one of those who could have been with most difficulty reconciled to the government of the church and state; and therefore his death was looked upon as no ill omen to peace, and exceedingly lamented by his party, who had scarce a more absolute confidence in any man than in him. Previous to this observation, the same author gives an unwilling testimony of his conscientious character; viz. that those who were acquainted with lord Brooke believed him to be well-natured and just, and rather seduced and corrupted in his understanding, than perverse and malicious. *Clar. Hist.* vol. II. p. 114.

usual

usual custom of superstitious bigots, proclaimed this as an immediate interposition of Providence; and, lowering the divine character to the level of human vitiated judgment, asserted, that sudden destruction was the way which God had taken to correct the errors of a religious conscientious man*.

* Those accidents of the war, whose circumstances are congruous with particular incidents pertinent to their different opinions, are by the weak enthusiasts of both parties, according as it favors their cause, claimed as interpositions of Providence, commonly called Judgments; but in allowing that the consequence of actions determines them just or unjust, they neither of them consider that they give an advantage to their opponents equal to what they claim themselves, since from the natural incidents of war each party had an opportunity to triumph in their turn. The remarks of the partizans of the crown and church, on the death of lord Brooke, shew too much the superstitious bigotry of the party to be omitted. Wood, in his *Athenæ Oxonienses*, to make the judgment more significant, tells us, "That lord Brooke being sent to assault the Church-Close at Lichfield, then defended by a small garrison placed there by his majesty out of a pious intent for the preservation of the cathedral, intended, when taken, to be destroyed by the lord Brooke, was, though harnessed with plate-armor cap-à-pee, shot from the church in the eye by one Diot a clergyman, who could neither hear nor speak; that this memorable accident happened on the second day of March, 1642, the festival of that sometime famous bishop St. Cedd or Chadd, to whose memory Offa, sometime king of the Mercians, did erect the said cathedral, and devoutly dedicated it." Clarendon, in the same style which he always uses when he speaks his own sentiments, gravely in the following words says, "There were many discourses and observations upon the lord Brooke's death; that it should be upon St. Chadd's day, by whose name, he being a bishop shortly after planting Christianity in this island, that church had been antiently called; and it was reported, that in his prayer that very morning (for he used to pray publicly, though his chaplain were in the presence) he wished that, if the cause he was in was not right and just, he might be presently cut off. The pious Laud, himself under the affliction of confinement in the Tower of London, made the following memorial in his Diary: "Thursday morning, March 2d, St.

Anno 1642.

The death of their general, instead of daunting the soldiers with superstitious terror, heightened their courage with the desire of vengeance. Under Sir John Gell, who succeeded to the command, the siege was carried on vigorously, and the Close taken, with the earl of Chesterfield and the garrison prisoners. This business was succeeded by a sharp combat between Sir John Gell and the earl of Northampton, who was advancing from Banbury to relieve Litchfield, in his way to

Cedd's day, the lord Brooke shot in the left eye, and killed in the Place at Litchfield, going to give onset on the Close of the church, he ever having been fierce against bishops and cathedrals, his beaver up and armed to the knee, so that a musket at that distance could have done him little harm." The same Laud farther observes on the following answer of Brooke to a young lord, who had said he was sorry for the archbishop's commitment, if it were but for the building of Paul's, "I hope one of us shall live to see not one stone left upon another of that building;" "But the church stands yet, and that eye is put out which hoped to see the ruins of it. He was killed in the Place without speaking one word; he who was an enemy to cathedrals died in the assault of a cathedral; it was on St. Chadd's day. This lord Brooke, who did often brag that he should see the millenary fools' paradise begin in his life-time, did give occasion, by words which he uttered to certain observing persons, to think that his death was near; viz. that at his going out of Coventry, when he went toward Litchfield, he gave order to his chaplain, that he should preach upon this text, "If I perish I perish," being the words of Esther in a different but far better cause; also that in a prayer of above an hour long, which he conceived before his setting on the Close, he was heard to wish that, if the cause he was in were not right and just, he might be presently cut off, using the like expressions to his soldiers also."

Such were the observations and reflections made by the zealous royalists and devout churchmen on the fate of a worthy man, who fell a victim to his principles and conscience. There are weak bigots and fanatics in all opinions; if the Puritans had their Prynnes, their Burtons, and their Vicars, the episcopalians had their Clarendons, their Souths, and their Lauds. Dr. South, in one of his sermons, treats largely of God's vengeance against the profaners of St. Chadd's day.

Stafford.

Stafford. Sir John Gell was joined by a body of Anno 1642.
men under the command of Sir William Brereton. Northampton, who was unacquainted with this circumstance, marched out of Stafford to fight Gell. The two armies met on Hopton-Heath. Gell's horse was routed; but his foot having the better of the King's infantry, under Sir John Byron, rendered it somewhat doubtful on which side was the victory. The King's forces retreated to Stafford, with the loss of their general the earl of Northampton; whose zeal for the cause he was engaged in, and detestation of the enemy, made him refuse quarter*. On the parliament's side were lost a great number of men, and eight pieces of cannon.

On the very day when the parliament ordered their commissioners from Oxford, the earl of Essex, who had drawn his troops together about Windsor for the purpose, was directed to lay siege to Reading. This town, which was but indifferently fortified, and ill provided with ammunition, was thought to be so little able to resist a siege, that it was resolved in Charles's council of war to discontinue the works, and draw off the magazine and garrison, consisting of three thousand foot and three hundred horse. This was to be done before the end of April; but the parliament having put an end to the treaty sooner than was expected, and their forces appearing before

* Northampton's refusing to take quarter, humanely offered him by the enemy, in the following abusive terms, "That he scorned to take quarter from such base rogues and rebels," is related by Clarendon as a circumstance which does honor to his memory. It is said, that the King gave away from the son of this earl the rangership of a forest which he had solicited; and, on being remembered of his father's services, he replied, "Hath the earl done more than became him, to die for his King?" *Clar. Hist.* vol. II. p. 115.

Anno 1642.

the town earlier than it was imagined they would venture the field, the resolution did not take place: the parliament forces which set down before Reading amounted to seventeen thousand men, horse and foot *. In a council of war, it was determined rather to attack the town by regular approaches †; than to attempt the taking it by storm. The sixth or seventh day of the siege Sir Arthur Aston, the governor of Reading, was disabled by a brick-tile, from the impulse of a cannon-shot, lighting on his head. This accident occasioned such dismay in the garrison, that though commissary Wilmot, with a detachment of horse from Oxford, had found means to throw in five hundred men with a supply of powder, they surrendered the town to the enemy; but on articles of capitulation which were favorable to the King, except one, which delivered up to the vengeance of parliament the deserters of their party. On Aston's misfortune, the chief command had devolved on colonel Fielding, who found means, the King being on his march from Oxford with an intent to favor the retreat of the garrison, to get out of the town, and consult his pleasure on the subject of capitulation. As Ruthen the King's general, lately created earl of Forth ‡, had been repulsed in an attempt to force the pass of Caversham Bridge, which led to the town §, the King was glad to accept of terms

Reading re-
taken by the
parliament.

* This was a very superior army to what the King had at Oxford.

† Clarendon says, that this was the first regular siege which happened in England.

‡ Ruthen had fought the King's battles in Scotland as governor of Edinburgh-castle.

§ Fielding being on a treaty with the enemy, had made no motion to favor the attack.

which

which secured him his garrison, with their arms, baggage, and ammunition; but, on pretence that he had never seen the articles in writing, and only in general terms consented that the garrison should march away with their arms and baggage, if the enemy agreed to those conditions, and that colonel Fielding had not represented to him the state of the town fairly, he was afterwards tried, and sentenced to lose his head by a council of war at Oxford, but obtained a pardon.

The siege of Reading was an enterprize concerted by Essex, and obstinately insisted on by him, with a design to retard the progress of the parliament's arms; the ablest men in the secret committee for military affairs, and particularly Mr. Hamden, having planned the nobler project of marching straight to Oxford*; and, as the King was at this time in extreme want of ammunition†, that important place, with all its dependant garrisons, must have fallen into their hands‡. Essex got rid of this advice, unfortunately seconded by all the zealous opponents

Treacherous
conduct of
Essex.

* It was probably with the same design Essex preferred the attacking Reading by a regular siege than by storm; the latter in a council of war having been preferred by the officers of horse, and among them Mr. Hamden. *Clar. Hist.* vol. II. p. 178.

† The King had no other supply of powder than the remainder of the four hundred barrels sent by the queen from Holland before the commencement of hostilities, at this time distributed in his several garrisons. In the magazine at Oxford there were not one hundred barrels, nor match proportionable to the powder. *Clar. Hist.* vol. II. p. 177.

‡ Oxford was not sufficiently fortified to stand a siege, the garrison not well provided for, and the multitude of nobility, ladies, and gentry, who followed the court, ready to take and spread terror on any alarm. Clarendon says, if Essex had made a show of marching his army that way, Oxford, and all the garrisons round it, would have been quitted to him. *Clar. Hist.* vol. II. p. 184, 188.

Annos 1642. of the court, on the pretence, that if the King should suffer himself to be besieged in Oxford, as there were yet in the nation, army, and parliament, a great veneration for his person, it might occasion fatal consequences, especially if they left so large a garrison as Reading at their back. On this last consideration, Essex's opinion was submitted to; but now that Reading was surrendered by the enemy, the debate was resumed with warmth, and Hamden and his friends strongly urged that the army should immediately march to Oxford. Essex, in this difficulty, had recourse to Sir John Merrick, and other officers promoted by his recommendation, whose reputation for experience always assisted him at a pinch to damp the vigor of the committee's counsels. It was now pretended, that the wet ground and inclemency of the weather had so infected the soldiers with sickness, that it would be a high degree of rashness to proceed in another expedition *. These reasons, though weak, were so obstinately insisted on, that they prevailed. The parliament army went a second time into winter-quarters; and the King, who, on the report that Essex had advanced towards Oxford, had determined to retire into the North, on the assurance of his pacific disposition, put his army into a posture to abide the enemy. Great was the disquietude which the conduct of Essex occasioned in the parliament and city. Their troops, having

* The hardships of the field had been much abated by the care and affection of private persons in the city of London, who, by voluntary contributions, sent every day waggons and carts loaded with choice provisions to the army before Reading; who were likewise supplied in a regular way by commissioners appointed for the purpose. *Clar. Hist.* vol. II. p. 178.

taken the field too early for soldiers young in the practice of military operations, were consumed with diseases, without performing any service suitable to such an exertion; and the King, who had in a manner suffered no loss*, since he never meant to keep Reading, had his forces ready to take the field, whilst to put theirs into a posture of war required a great additional expence. A diffidence, either of the head or heart, of a commander in chief must needs occasion in his party anxious apprehensions. Essex's oversight at Edgehill and Brentford had not been unseen, though they were passed over, on the hopes that regard to his personal safety would incline him to act more cordially for the public, when, by the consequence of his former faults, the King's affairs carried a triumphant appearance: but his neglecting to crush the hopes and formidable pretensions of the royalists, when success began to preponderate on their side, gave but too cogent reason to conclude him not a cool friend, but an enemy in disguise. These uneasinesses were much encreased by a very important loss the party some time after this sustained. Essex, on the blame he had incurred for shutting himself up in Reading, made a motion towards Oxford, and fixed his head-quarters at Thame, on the borders of Buckinghamshire, to protect from depredation that county, which had expressed so much zeal for the parliament†.

* The granting such good conditions to the garrison of Reading was numbered in the scale of Essex's treacheries.

† A letter to the parliament, respecting the situation of the county, informs, that the King had sent into those parts twelve or fourteen hundred of his forces, commanded by the earl of Cleveland, accompanied by the lords Chandois and Crawford, and Sir John Byron; that these troops pillaged

Anno 1642.

One Hurry, a Scotchman, a colonel in the parliament-army, not thinking he had preferment equal to his merit, offered his service at Oxford*, and proposed to conduct the royalists where they could make great havoc on his unprepared comrades. Prince Rupert took him at his word, and the disposition of the enemy's quarters being very loose, and in dispersed bodies, he routed two regiments of cavalry and one of infantry, and carried execution within two miles of the general. On the alarm the treachery of this base Scot occasioned, the whole army was roused; each valiant soldier, with eager and indignant haste, mounted on horseback to pursue the victor, recover the prisoners, and revenge the insult. Among the most forward of these was the gallant Hamden; who, though a foot officer, joined the horse as a simple volunteer, and, Rupert being overtaken on Chalgrove-field, entered into the heat of the combat. The orders which Essex had given were, to entertain the prince with skirmishes till he could come up; but, on a view of the enemy laden with spoil, the officers of the parliament, precipitately advancing with the most forward of their men, were cut almost all off or taken prisoners, whilst the rest of the party found their safety in flight. The earl of Essex, who came up time enough to have a distant view of the rout, made a stand to receive his flying troops;

Skirmish on
Chalgrove-
field.

and plundered towns, and committed many murders; one on a woman big with child, who could make no resistance; that they destroyed all the household goods they could not carry away, spoiled the country, and, in the exercise of their cruelty, had fired a country village called Swanburn. *Parl. Hist.* vol. XII. p. 259, & seq.

* Hurry was a man of vicious morals, which occasioned the parliament not to encourage him in the manner he expected. *Clar. Hist.* vol. II. p. 204.

and

and this giving time for prince Rupert to gain a bridge which he must necessarily pass in his retreat, and which by his directions was secured by a strong guard of foot, he forced Essex to retire to his quarters, and returned in triumph to Oxford, loaded with booty and two hundred prisoners.

Neither the consternation which this successful expedition had given the enemy; nor the reputation it had acquired to their own arms, with the disgrace the adversary had sustained; nor the spoil they had taken, with the officers of distinction they had left dead on the spot; delighted the royalists equally to the expectation that some accident had befallen their formidable opponent Hamden. One of their prisoners had given them the flattering assurance that colonel Hamden was hurt: He had seen him, he said, contrary to his usual custom, ride off the field before the action was finished, his head hanging down, and his hands leaning upon his horse's neck. The succeeding day confirmed this account with the relation that Hamden was shot in the shoulders with a brace of bullets and the bone broken. In some little time, the triumph of the royalists was completed by the certain intelligence that his wound, after occasioning him to linger six days in exquisite pain, had put a period to his life*.

Death of
Hamden.

Thus, to the high exultation of all who wished ill to the Freedom of the country, and to the consternation of his party almost equal to a total defeat, an accident, arising from the spirited activity of his disposition, shortened the glorious course of John Hamden; and, as if the existence

* Sir Philip Warwick, in a confused relation, hints that the King, being desirous to gain Hamden to his interest, sent one Dr. Chinner to offer him the assistance of his surgeons. *Warwick's Memoirs*, p. 241.

Anno 1642. of Liberty depended on the virtue of a single individual, as the stand he had made against ship-money gave rise to the revolution which succeeded; so his premature fate made way for the tyranny of a successful usurper.

Character of
Hamden,

Hamden was descended from one of the most antient families in Buckinghamshire; and the death of his parents devolving on him early the possession of a large and opulent fortune, this circumstance, concurring with the vivacity of youth, excited him to indulge in those amusements which confine the excellencies of genius to the narrow compass of private gratification. At the age of fifteen he left the university, and, finishing his education at the inns of court, made a considerable progress in the common-law. After he had passed his thirtieth year, he was chosen to represent his country in parliament; an incident which roused to exertion those principles of virtue and affection to the public which lay latent in his character. He was consulted by the leading members of parliament in all the important points of opposition, and joined heartily in the prosecution of the duke of Buckingham, and other businesses carried against the court. As it was Hamden's peculiar talent to act powerfully when he seemed the most disengaged, and as he never put himself forward but when forwardness was necessary, so in this parliament he was not thought an opponent formidable enough to be pricked down for sheriff to prevent his election in the ensuing one, and escaped a commitment to the Tower in 1628, for what was termed a riotous proceeding in parliament: But his honor not permitting him to comply with the illegal exaction of a loan, he was among those who suffered imprisonment on this business. The trial of ship-
money,

money, in the year 1636, unfolded to public view those patriotic virtues which modesty, diffidence, or art, had hitherto in some measure obscured*; and as the infamous judgment given by the judges on this cause, roused the nation to a more serious attention to the conduct and views of the court, those men of genius and abilities who laid the grounds for the succeeding revolution, began to concert measures how to improve to an effectual height the growing discontent; whilst the frantic tyranny of Laud, with his attempt to impose his superstitious ceremonies on the Scots, gave such advantage to the designs of the party, that matters came to a ripeness in less than four years after this period; a space of time which had been so sedulously employed by the active patriots, who had continual meetings to consult on the business of opposition†, that Mr. Hamden, it is said, had made several expeditions into Scotland before the commotions in that kingdom broke out. From the time when he engaged in the important scheme of abridging the power of the court, and reforming the government of the country, he totally discarded the levities of his youth, and became remarkable for

* Clarendon says, that Hamden was rather of reputation in his own country, than of public discourse or fame in the kingdom, before the business of ship-money; but then he grew the argument of all tongues, every man enquiring who and what he was, who durst at his own charge support the Liberty and Property of the kingdom, and rescue his country, as he thought, from being made a prey to the court. *Clar. Hist.* vol. II. p. 205.

† The two houses most commonly frequented on this occasion, were the lord Say's house at Broughton in Oxfordshire, and one Mr. Knightly's, a gentleman of Northamptonshire, the son-in-law of Mr. Hamden, who had himself married a widow of the Knightly family. *Persecutio Undecima*, Lond. 1648. 4to. a virulent performance.

his

Anno 1642. his sobriety and strictness of manners; which, still retaining his natural vivacity of temper, he embellished with an affable, chearful, and polished, behavior. In the parliament of 1640, an event which had been long impatiently expected by the people, and to which the indefatigable industry, activity, and abilities, of Hamden had in a good measure conduced, he was one of the chief directors of the anti-court party *, and especially trusted in the business of watching the King's conduct in Scotland, and preventing the Scots being seduced from the interests of Liberty by the cabals and cajolements of the court; his art of directing the understanding and governing the inclinations of men being such, that, in all the transactions between the two nations, he was appointed by the parliament one of the commissioners to treat with that people †. When the quarrel between the King and the parliament

* Clarendon says, that, at the commencement of this parliament, the eyes of all men were fixed upon Hamden, as the *patriæ pater*, and the pilot who must steer the vessel through the tempests and rocks which threatened it; that his power and interest to do good or hurt was greater than any man's in the kingdom, or than any man of his rank had at any time; his reputation for honesty being universal, and his affections appearing so publicly guided, that no corrupt or private ends could bias them. He was appointed by the parliament one of the committee to prepare the charge against the earl of Strafford, one of the managers of the evidence against him, and one of the committee to expedite the charge against Laud, archbishop of Canterbury. *Clar. Hist.* vol. II. p. 205. *Wood's Athen. Oxon.* vol. II. p. 30.

† The management of the Scots, a people at this time wholly directed by views of interest and bigotry, and who, notwithstanding their late vigorous opposition, which owed its source to religious enthusiasm, were as zealously attached to monarchical principles in civil government as to the Presbyterian discipline in ecclesiastical, was one of those points of the conduct of the party which does the most honor to their abilities.

came

came to hostilities, he accepted the command of a regiment of foot under the earl of Essex, and was one of the first who opened the war, by an action at a place called Brill, in Buckinghamshire. As the sagacity and intrepidity of his conduct, in the character of a senator, had rendered him so much the object of the King's indignation as to be one of the six members marked for particular vengeance, so his activity and bravery in the field, and his wise and spirited counsels on the operations of the war, rendered him so formidable a rival of Essex, that it was thought, had he lived, his party, who were at this time highly incensed at their general's conduct, would have taken his command from him, and given it to Hamden *.

Clarendon has pretended to draw the exact portraiture of this eminent personage; but, though marked with those partial lines which distinguish the hand of the historian, it is the testimony of an enemy to virtues possessed only by the foremost rank of men. With all the talents and virtues which render private life useful, amiable, and respectable, were united in Hamden, in the highest degree, those excellencies which guide the jarring opinions of popular counsels to determined points; and, whilst he penetrated into the most secret designs of other men, he never discovered more of his own inclinations than was necessary to the purpose in hand. In debate he was so much a master, that, joining the art of Socrates with the graces of Cicero, he fixed his own opinion under the modest guise of desiring to improve by that of others; and, contrary to the nature of disputes, left a pleasing impression, which preju-

* His extensive popularity and influence in the army being such as would prevent any mischief arising from Essex's resentment.

Anno 1642.

diced his antagonist in his favor, even when he had not convinced or altered his judgment. His carriage was so generally, uniformly, and unaffectedly affable, his conversation so enlivened by his vivacity, so seasoned by his knowledge and understanding, and so well applied to the genius, humor, and prejudices of those he conversed with, that his talents to gain popularity were absolute. With qualities of this high nature, he possessed in council penetration and discernment, with a sagacity on which no one could impose, an industry and vigilance which were indefatigable, with the entire mastery of his passions and affections*; an advantage which gave him infinite superiority over less regulated minds. Whilst there were any hopes that the administration of the country, could be corrected without the entire overthrow of the constitution, Hamden chose, before other preferment, the superintendency of the prince's mind †, aiming to correct the source from whence

* Clarendon says, that his carriage, through the whole process of his suit against the crown in the business of ship-money, was with that rare temper and modesty, that they who watched him narrowly, to find some advantage against his person, to make him less resolute in his cause, were compelled to give him a just testimony. The same author, observes, in his account of the debates on ship-money, in the short parliament of April 1640, that Herbert, the solicitor-general, while he was speaking in commendation of the King's candor in that affair, took occasion to stroke and commend Mr. Hamden for his great temper and modesty in that suit. *Clar. Hist.* vol. II. p. 205.

† If any cultivation could have regulated the understanding and corrected the nature of the young Charles, the nation would have received great benefit from this promotion taking place. "Hamden, says Sir Philip Warwick, aiming at the alteration of some parts of the government, knew of how great consequence it would be, that a young prince should have principles suitable to what should be established as laws." The author might have observed, that Hamden knew

the happiness or misfortunes of the empire, if the government continued monarchical, must flow; but the aversion which the King discovered to those regulations which were necessary to secure the Freedom of the constitution from any future attempt of the crown, with the schemes he had entered on to punish the authors of reformation, and rescind his concessions, determined the conduct of Hamden. Convinced that Charles's affections and understanding were too corrupt to be trusted with power in any degree, he sought the abolition of monarchy as the only cure to national grievances, warmly opposing all overtures for treaties, as dangerous snares, or other expedient than conquest for accommodation.

knew that could he give to the prince just notions on religious and civil policy, with so much rational knowledge as would have stimulated him with an higher ambition than the trampling on the liberties of men, and given him a juster taste of pleasure than using the advantages of his station to the gross employment of licentious levity and unbounded vice, with the insipid gratifications which arise from the dull expensive pageantry of royal life, the laws and constitution of the country would have been secure from farther invasion, and the morals, taste, and manners of the people uncorrupted by the example of those fantastic amusements, servile ceremonies, and numerous vices which abound in courts. Such documents as might have been expected from an Hamden, were not the kind with which the King wished to have the prince's mind imbued: the governors he chose for his son were men of a different stamp; viz. the earl of Newcastle, a vain romantic nobleman, intoxicated to a ridiculous degree with the fumes of poetry, and in whose character reason had no share; the marquis of Hertford, a man of so idle a disposition that he would never think long enough on a subject to make a just conclusion. By the King's choice it is easy to see, that he was determined to have no governor to form the prince's mind on a model which should clash with his own prejudices. Clarendon says, that the prince was to be educated by the advice, and under the care, of the King and queen.

Anno 1642. It was him the party relied on to animate the cold counsels of their general; it was his example and influence they trusted to keep him honest to the interest of the public, and to preserve to the parliament the affections of the army. Had he been at first appointed to the supreme military command, the civil war, under all the horrors of which the country languished more than three years, would have been but of a short continuance *.

* As if God had enlisted himself in the service of the party as their executioner, no eminent personage whose principles ran counter to the views of the royalists fell a sacrifice to the rage of war, but were marked by them as special victims of the divine vengeance. Clarendon, in his usual style, comments thus on the death of Hamden: "Many men observed, that the field in which was the late skirmish, and upon which Mr. Hamden received his death's wound, Chalgrove-field, was the same place in which he had first executed the ordinance of the militia, and engaged the country, in which his interest was very great, in the rebellion; and it was confessed by the prisoners who were taken that day, and acknowledged by all, that upon the alarm that morning, after their quarters were beaten up, he was exceedingly solicitous to draw forces together to pursue the enemy; and being a colonel of foot, put himself among those horse as a volunteer who were first ready; and that when the prince made a stand, all the officers were of opinion to stay till their body came up, and he alone (being second to none but the general himself in the observance and application of all men) persuaded and prevailed with them to advance; so violently did his fate carry him to pay the mulct in the place where he had committed the transgression a year before." The prerogative writers are full of these kind of reflections.

Hamden was born in the year 1594, and died in 1643, June 24. He left ten children behind him. Of four daughters, one was married to Sir John Hobart, son to Sir Miles Hobart, member of parliament, imprisoned in the year 1628; one to Sir Robert Pye, a gentleman of an ancient extraction in Herefordshire, a member of this parliament, under the authority of which he served in many public employments; one to colonel Hammond, appointed some time
after

Whilst the earl of Essex, thus insulted with impunity, lay inactive in the neighborhood of Thame, lord Fairfax, on whose valor and conduct the parliament had so much depended as to neglect the sending him proper supply *, after having (with the assistance of his son) combated the enemy with very unequal force, and gained great advantages over them, was at length defeated by the earl of Newcastle, at a place called Adderton-Moor, in Yorkshire. Nor were these the only triumphs which attended the King's arms; a more important conquest in the West, had, but from a very particular circumstance, crowned him with complete victory. The convention of neutrality between the royalists and

Defeat of
the parlia-
ment's
forces at Add-
erton-
Moor.

after this period governor of the Isle of Wight; and another to Mr. Knightly of Northamptonshire. The parliament, as a testimony of Mr. Hamden's service to the public, ordered the sum of five thousand pounds to be paid to his assignees out of the Excise, the moiety of the receipts of Goldsmith's-hall and the King's revenue. This, though a trifling testimony of the favor of the public for services so great as Mr. Hamden had performed, yet it was a considerable sum for the parliament, whose large expences were every day encreasing, and who at this time labored under great difficulties in the raising money to give. *Clar. Hist.* vol. II. p. 205. *Biographia Britannica.*

* The parliament, after having for very good reasons broken the convention of neutrality between the two parties, and invested the lord Fairfax with the supreme command of their Northern forces, left him engaged in a very unequal contest with the earl of Newcastle, and the whole North exposed to the depredations of the king's party, who carried their violence so far as to plunder and imprison the enemy on the delivery of towns upon treaty. Lord Fairfax wrote word to the parliament, that they were guilty of all kinds of violences; that they pillaged and cruelly used all those who were well-affected to their authority; and that they had received commissions from the King, of liberty to plunder and seize mens' estates, provided they accounted for the moiety of the profit to his majesty. *Parl. Hist.* vol. XII. p. 268, & seq.

Anno 1642. the parliamentary party in Devonshire had by the authority of parliament been broken very early in the spring; and major-general Chudleigh, who yet commanded their forces in those parts, was repulsed from the attack of Launceston by Sir Ralph Hopton and Sir Bevil Grenville. In May the earl of Stamford, assembling a body of five thousand foot and fourteen hundred horse, marched into Cornwall; and, encamping on a high hill near Stratton, sent Sir George Chudleigh, with twelve hundred horse, to secure the country. The King's troops, who were not above half the number of the enemy, and in want of many necessaries with which these were amply supplied, assuming courage from despair, determined not to suffer themselves to be besieged. On hearing that the earl of Stamford had weakened his main body, by the large detachment he had sent out under the command of Chudleigh, they marched from Launceston, with no more than two thousand four hundred foot and five hundred horse, with eight pieces of cannon, and divided their small army into four divisions, one of which was commanded by the lord Mohun and Sir Ralph Hopton; another by Sir Bevil Grenville and Sir John Berkley; a third by Slanning and Trevannion; a fourth by Basset and Godolphin; and a fifth, which consisted of horse and dragoons, by colonel John Digby. These were to remain on the Common as a body of reserve, whilst the other four parties mounted the ascent to attack the enemy. This the Cornish troops performed with such vigor and intrepidity, that Chudleigh, the parliament's general under Stamford, either from design or accident being taken prisoner, his whole army gave way and dispersed. The ground thus left clear for the

Defeat of
the parlia-
ment's forces
at Stratton.

the royalists, the four divisions all met together Anno 1642. on the plain at the top of the hill, where, without the loss of more than fourscore men, they took possession of the enemy's camp, cannon, ammunition, and provision, with one thousand seven hundred prisoners. Sir George Chudleigh, after having spent much time in dispersing the posse comitatûs, which the high-sheriff was endeavoring to raise for the King, on hearing of the defeat of the parliament's forces at Stratton, retired in great disorder to Plymouth, and thence to Exeter; whilst the earl of Stamford proclaimed himself betrayed by the younger Chudleigh, who, in the heat of the battle, when the prospect for victory was fair, voluntarily with a party ran over to the enemy*.

* Chudleigh had been active in the army-plot in engaging the troops in undertakings for the King; but when the cabal was discovered, he owed so many circumstances disadvantageous for the court, that receiving no countenance at Oxford, where he went to offer his service, he returned to London, and was entertained by the parliament. Rushworth says, that intercepted letters to his father manifested the part he acted at Stratton to be treacherous. Chudleigh's prior conduct, with the odd circumstance of a general being taken prisoner before the entire rout of an army, and his pretended conversion after he put himself into the hands of the enemy, renders this proof unnecessary. Clarendon asserts strongly, that Chudleigh performed the part of a valiant and trusty commander; not to vindicate the character of Chudleigh (who, he says, was always affected to the royal party; for Clarendon, in the cause of the divine right of princes, would not think treachery a demerit), but to heighten the reputation of the royalist commanders. Sir George Chudleigh, the father of the general, surrendered his commission, and published a declaration, in which he professed to have flung himself at his sovereign's feet, to have embraced his gracious pardon, with a resolution to contend no more in word or deed. *Rushworth*, vol. V. p. 271, & *seq.* *Clar. Hist.* vol. II. p. 210.

Anno 1642.

On the news of the defeat of the parliament's army at Stratton, the King sent the marquis of Hertford, with prince Maurice and a strong body of horse, to join the Cornish troops, and make an entire conquest of the West; a quarter not less the object of the parliament's care, who now found themselves on the point of being totally deprived of considerable part of the kingdom, which, in the beginning of the war, was almost totally subdued by their arms. Sir William Waller, who was now the commander on whom the parliament most depended, was by a vote of both houses supplied with seven thousand foot and three thousand horse, and sent westward to meet the royal army; the two different parties of which having united near Chard, a town in Somersetshire, on the borders of Devonshire, formed a body of seven thousand men, a new regiment of foot with many volunteers having joined them on their success at Stratton; whilst Taunton, Bridgewater, and Dunstar castle, surrendered on the same of this victory. Waller, who had not received his command time enough to hinder the junction of the two armies, lay at Bath, to gather the remains of the beaten force at Stratton. After some skirmishes, which were generally in favor of the royalists, who were full of spirits on their late success, the two armies met on Lansdown near Bath, and a battle was fought between them; but without any decisive event in favor of either side: yet the royalists, discouraged by the loss of Sir Bevil Grenville, one of their best commanders; the disabling of Hopton, by the blowing up of the greater part of their powder; the loss of their ammunition; and a repulse which their hitherto-victorious troops had received from a regiment
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of Sir Arthur Haslerig (stiled the Lobster-Regiment from their complete armor), fled before Waller; and having reached the Devizes, lest they should be obliged to surrender at discretion, the marquis of Hertford and prince Maurice carried off their horse to Oxford. Waller, after recruiting his army by the reputation which the flight of the King's troops had given to his arms *, followed close at their heels, and having intercepted and routed a reinforcement which the King had sent under the command of the earl of Crauford, summoned the enemy to surrender on terms of quarter and civil usage to the officers, with the dismissal of the common soldiers without their arms. Though the town of the Devizes lay open, without any fortification or defence but small ditches and hedges, yet the besieged found means to amuse Waller with a treaty eight or ten hours, in which time the King had leisure to send from Oxford (which was within the distance of thirty miles) fifteen hundred fresh horse to attempt their rescue, under the command of Wilmot, lately created a peer. Waller, elevated with the hopes of giving a decisive overthrow to the King's arms, drew off his army from the town, and ranging them in array on Roundway-Down, two miles from the Devizes, a place which the King's horse must necessarily pass, had the imprudence to depart from the order of battle, in which he had placed his army to great advantage, and advanced with his horse to meet Wilmot, who received him with such valor and intrepidity, that

Defeat of
the parlia-
ment's
forces on
Roundway-
Down.

* He dispersed warrants over the country, signifying that he had beaten the marquis of Hertford, and requiring the people to rise for the apprehension of his scattered troops.
Clar. Hist. vol. II. p. 221.

Anno 1642. Sir Arthur Haslerig's regiment, which had done such service on Lansdown, was first routed, and being chased back to their comrades, put the whole body of horse in such confusion that they immediately dispersed; when Wilmot, turning their own cannon on the enemy's foot, who were at the same time charged by the Cornish troops, completed the destruction of the parliament's army, who almost all suffered death or captivity, many of them being cruelly killed by the Cornish men, in revenge for their late distresses. Sir William Waller himself, with a very small remains of his gallant army, and the loss of his artillery, ammunition, and provision, after having written to the parliament that their work was done, and that the next post would inform them of the number and quality of the prisoners, carried to Bristol the news of his defeat*. This misfortune of Waller, incurred by his injudicious conduct, was also in a good measure owing to the jealousy of Essex, who having given a commission to Waller for the western expedition, had resumed it, with an intention of going himself on the service, when Waller was appointed to that command by a vote of parliament. Waller justly complained that whilst Essex lay with his whole army idle about Thame, he suffered Wilmot to come without interrup-

* Clarendon says, that Waller, when he was defeated on Roundway-Down, had an army of two thousand horse, five hundred dragoons, and near three thousand foot. If his forces were no more than this, though recruited with part of the garrison of Bristol, and volunteers who came in on the fame of his success, his original army could not have been so large as was assigned him by the vote of the two houses.

tion from Oxford to destroy him *: whilst Anno 1642. Essex alleged in his excuse, that Waller had force enough to combat both Wilmot's and the Cornish army. This neglect of Waller was not the last sacrifice which Essex made to the royal cause: The queen, who by the two houses had been voted guilty of treason, marching from the North with a body of two thousand foot and one thousand horse, with artillery, arms, and ammunition, was by the parliament's general suffered to pass without interruption; and joining the King at Edgehill, on the very day when he gained the battle of Roundway-Down, they entered Oxford in triumph †. Bath having surrendered itself immediately after the defeat of Waller, the Oxford forces under the command of prince Rupert, and the Cornish army under the command of the marquis of Hertford, joined in an attempt on the city of Bristol; a place so well defended by

* The assurance that Essex, who lay within ten miles of Oxford with his whole army, and to whom Waller had signified his victory, and the situation he was in, would not suffer any relief to come to the enemy, had engaged him to admit of a treaty.

† So little did the King fear any interruption from Essex, that having appointed to meet the queen two days journey from Oxford, he only took with him on this expedition his own guard of horse and prince Rupert's regiment.

The following form of thanksgiving prayer was drawn up by the Oxford doctors on the arrival of the queen: "Oh, most merciful God! we render thee all praise and thanks, for that thou hast been pleased to extend thy hand of deliverance unto the person of our gracious queen; that thou hast made her an instrument of so much good to this kingdom, and brought her safely hither. Lord! make the King and his people daily more and more happy in her, that as by thine especial favor she is already become the mother of so many hopeful princes, so she may be daily fruitful in the addition of more blessings to us, through Jesus Christ our Lord." *Clar. Hist.* vol. II. p. 223.

Anno 1642. nature, and a strong garrison * provided with all necessaries, that the Cornish troops, having made a vigorous attack, were repulsed with considerable loss; whilst the army under the command of prince Rupert, assaulting that part of the town which was more penetrable, forced the out-works, and entered the suburbs; but, after a loss equal to what their comrades had sustained, found the entrance into the town more difficult and better defended than that they had passed, and where their horse would be of no service. In this juncture, envy, treachery, rashness, and cowardice, combined their several influences to ruin the public cause: At the very time when the commanders of the royal army began to regret an assault which, without prospect of success, had deprived them of many of their best officers, and great numbers of their men, Nathaniel Fiennes, the governor of Bristol, better skilled to fight the battles of Liberty in the senate than the field, being taken with a sudden panic, beat a parley; and after a treaty which lasted no more than eight hours, delivered up the city †,

Bristol surrendered to the King's forces.

* The garrison consisted of two thousand five hundred foot, and a regiment of horse.

† The princes Rupert and Maurice, infected with the pride of the King's temper and encouraged by him in the most unreasonable pretensions, had from their first coming into the kingdom assumed a haughty insolent carriage to all the nobility, and those employed by the King in the most important offices. Prince Maurice, who in the assault of Bristol and the Western expedition had served as lieutenant-general to the marquis of Hertford, had not only acted in a more commanding style than became a subordinate officer, but even interfered with the marquis in relation to governing the affairs of the country: whilst prince Rupert, of a yet more insolent nature, who was highly puffed up with the success which had attended his military exploits, disdain- ing that the marquis should be equal to himself in command, and that his brother (the nephew to the King) should be in

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on the shameful conditions, that the garrison Anno 1642. should march out without their arms, colors, cannon, or ammunition, except the officers, with a safe convoy to Warminster, and not to be molested in their march for three days. There were some other articles in favor of the liberties of the city, and the security of the persons and properties of all the inhabitants; but they were so ill

an inferior one, when Bristol was taken, though this city was within Hertford's commission, entered into the treaty, and concluded the articles of capitulation without consulting or naming him. Hertford, irritated with this affront, asserted the full authority of his command, and, without communicating with either of the princes, declared he would give the government of Bristol to Sir Ralph Hopton. No objection could be made to a man of such merit with the party as was Hopton; and therefore the prince, by the same messenger as he informed the King he had reduced Bristol, desired him to bestow the government of that town upon himself. When the dispute between these two commanders was known at Oxford, those nobility who were jealous of the treatment their rank had received from the prince, and of his ambition to interfere in the civil government of the country, declared themselves warmly in favor of the marquis of Hertford's pretensions; but the court and council not all agreeing in this opinion, "the King, says Clarendon, resolved to take a journey in his own person to Bristol, and there to give such a rule as he thought most necessary, to which he presumed both persons would conform themselves as well cordially as obediently." This presumption was not wholly without ground: the marquis of Hertford, who had so well digested former injuries as to desert relations, friends, and party, to follow the King's fortunes, and whose countenance at the beginning of the contest was most essentially necessary, very patiently submitted to the preference he gave to prince Rupert's claim; and Sir Ralph Hopton, to whose military bravery the King owed all his success in the West, as submissively accepted from prince Rupert the office of being his lieutenant-governor. — These are the returns which princes commonly bestow on their most devoted servants, and such the extinction of all generous resentment in those breasts where vanity has taken possession! *Clar. Hist.* vol. II. p. 236, & seq.

observed,

Anno 1643. observed, that, on the pretence that the articles of capitulation of the garrison of Reading had been infringed by the parliament's army, the soldiers, after delivering up their arms, instead of a safe-conduct according to the conditions of the treaty, met with insults and ill usage from the brutal licence of the enemy; and those inhabitants of the city who were thought disaffected to the cause, were basely plundered*.

Triumphant
state of the
King's af-
fairs.

The reduction of Bristol, which for population, riches, and trade, was second to the capital, and superior to every other city in the kingdom †, gave the King the entire possession of Somersetshire, a large and opulent county. The condition of the parliament's forces in Dorsetshire and Devonshire was so languishing, that the total reduction of the West waited but the leisure of the enemy. Birmingham ‡ in Warwickshire, and

* “ I wish I could, says Clarendon, excuse those swervings from justice and right which were too frequently practised, under the notion that they with whom they were made were rebels, and could not be too ill used; when as the cause deserved, so it needed all the ingenuity and integrity in the propugners of it to keep despair from the guilty, who were much too numerous for the innocent.” There were some indiscretions committed by the soldiers of Essex's army on the surrender of Reading; but it is allowed by all parties, and this curious observation of Clarendon carries with it a tacit confession of the same, that the irregularities committed by the parliament's army were trifling to the enormous licence which on all occasions was used by the royalists.

† Besides this important prize, several ships riding in the river of Bristol, in which the wealthy had embarked their treasure, were at the same time seized.

‡ The account of the behavior of this town by Clarendon, is a strong specimen of the style and character of the historian. After telling us it was, for hearty, willful, affected disloyalty to the King, of as great fame as any town in England, he describes the spirited courage and resolution of the inhabitants in the following manner: “ His highness prince Rupert hardly believing it possible, that, when they should

Litchfield in Staffordshire, had been surrendered to prince Rupert, in an expedition he had undertaken in the spring. The North was on the point of receiving law from Charles; who, with these eminent advantages, was now in the possession of a large and well-appointed army; whilst the enemy's beaten, wearied, and broken forces neither appeared able nor willing to oppose the progress of his victories.

should discover his power, they would offer to make resistance, sent his quarter-masters thither to take up his lodging; and to assure them, that if they behaved themselves peaceably, they should not suffer for what was past: but they had not consciences good enough to believe him, and absolutely refused to let him quarter in the town, and from their little works, with mettle equal to their malice, they discharged their shot upon him; but were quickly overpowered, and some parts of the town being fired, they were not able to contend with the two enemies, but, distracted between both, suffered the assailant to enter without much loss, who took not that vengeance on them they deserved, but made them expiate their transgressions with paying a less mulct than might have been expected from their wealth, if their wickedness had been less."

END of the THIRD VOLUME.











